University of Alberta

School discipline in a legal and regulatory environment: Perspectives of high school vice-principals

by

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A thesis submitted to the Faculty of Graduate Studies and Research
in partial fulfillment of the requirements
for the degree of
Doctor of Education
in
Educational Administration and Leadership

Department of Educational Policy Studies
Edmonton, Alberta
Spring 2004

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Your file Votre référence
ISBN: 0-612-96643-7
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ISBN: 0-612-96643-7

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ABSTRACT

This study examines the effects of legal and regulatory frameworks on the work of high school vice-principals. In particular, it explores the ways in which these frameworks help or hinder high school vice-principals as they carry out their responsibilities for school discipline. A review of existing literature found that the role of vice-principals is understudied. This study is intended to enhance our understanding of the vice-principalship and the unique perspectives of vice-principals.

Three legal and regulatory frameworks were selected for consideration in this study: provincial and federal laws, school and school district policies, and teacher-employer collective agreements. Each of these frameworks affects the work of high school vice-principals by defining duties and giving authority to carry them out.

Since each province has exclusive jurisdiction over education legislation, it was important to recognize that differences may exist in the laws and policies affecting vice-principals in each province. For this study, high school vice-principals in New Brunswick, Ontario, and Alberta were chosen to capture elements of the diversity in public education systems in Canada. A questionnaire was developed and distributed to 703 vice-principals in the three provinces. Responses were received from 311 vice-principals, representing an overall response rate of 44%. Questionnaire topics included job responsibilities, suspensions, searches, disruptive intruders, student attendance, assignment of teacher supervision duties, non-suspension options, and confidence in knowledge of laws and policies. Most questionnaire items asked respondents to indicate the extent of their agreement or disagreement with given statements and to provide

explanations for their responses.

The study findings suggest that there are several ways in which legal and regulatory frameworks help and hinder vice-principals in fulfilling their responsibilities for school discipline. Respondents indicated that the following helped them: support from their principals, suspension authority, search authority, local police support, and confidence in their knowledge of relevant laws and policies. By contrast, they identified the following obstacles to their efforts to achieve satisfactory results in discipline matters: lack of district level support, collective agreement provisions, lack of resources, and lack of disciplinary alternatives to suspensions.

In loving memory of my grandmother

Ada Sullivan

1912 - 2004

who was always proud of me

and would have shared in the celebration of my success if she had not

passed away shortly before the completion of this dissertation.

ACKNOWLEDGEMENTS

I wish to acknowledge the support of the following organizations for this study: the Ontario Principals' Council, the New Brunswick Teachers' Association, and the Canadian Association for the Practical Study of Law in Education. I would also like to thank principals, supervisory officers, and school district staff for their help and support in the approval and distribution of survey materials. Most important, however, was the valuable participation of high school vice-principals in New Brunswick, Ontario, and Alberta who took time from their busy work lives to respond carefully and thoughtfully to the questionnaire items.

There are also many people, especially within the Department of Educational Policy Studies, who have provided valuable assistance and support throughout this project. These include my supervisory committee members Joe Fris, Bill Maynes, and Frank Peters who provided the timely and necessary guidance, criticism, encouragement, and support throughout the research and writing process. Other department faculty members who provided similar support during my program include José da Costa, Rosemary Foster, Margaret Haughey, Carolin Kreber, Stephen Norris, Eugene Ratsoy, Alison Taylor, Gerry Taylor, Ken Ward, Norm Yanitski, and Beth Young. Practical assistance with numerous aspects of my doctoral program also came from Jennifer Gammon, the late Georgina Kwan, Aurora Labarda, Sandra Materi, Betsate Melaku, Kathy Proehl, Chris Prokop, Barb Shokal, and Joan White. Outside the department, I also wish to acknowledge the contributions and support of Larry Beauchamp, Maryanne Doherty, Linda Phillips, David Sande, Betty jo Werthmann, and Carolyn Yewchuk from the Faculty of Education. Thank you also to Geoffrey Riordan of the University of Technology, Sydney, Australia for serving as external examiner and for his helpful comments and suggestions. I have also appreciated the ongoing support and encouragement received from Barbara Gill and Lawrence Bezeau of the University of New Brunswick, under whom I began my graduate studies over a decade ago.

An especially valuable and enjoyable aspect of this program has been the collaboration and mutual encouragement experienced with my fellow students in the

department. Thank you especially to Nina Erfani, Angeliki Lazaridou, and Jean Walrond-Patterson, with whom I shared an office throughout my program and who provided a "home" for me in the department. I would also like to acknowledge those students who shared in the leadership of the graduate students' association during my term as president. These include Candice Ennis-Williams, Nina Erfani, Wayne Gorman, Linyuan Guo, Shannon McEwen, Sandra McFadyen, Tobi Nielsen, Patricia Rempel, and Jean Walrond-Patterson. Thank you also to the many other students who have become my friends during our time together in the department as we worked together to achieve our individual and shared goals here at the University of Alberta.

Finally, I wish to acknowledge the love, support, and encouragement that I have received from my immediate and extended family members and from my friends and colleagues. Without their help, I would not have successfully completed this project.

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Chapter 1: INTRODUCTION AND BACKGROUND TO THE STUDY

In Canadian high schools, the intersection of issues related to education, law, and discipline is most keenly experienced by vice-principals. In typical high schools, it is the vice-principal who is responsible for dealing with serious school discipline matters (e.g., Barger, 1999; Mertz & McNeely, 1999; Reed & Himmler, 1985; Scoggins & Bishop, 1993; Weller & Weller, 2002). Ingersoll (2003) observed that the responsibility for student behaviour is derived from the long-standing role of schools as surrogate parent. He noted that Aristotle was among the first to point out that the purpose of schooling was to develop not only the intellect but also the morals, behaviour, and character of the young.

There is no question that student discipline is a major concern of everyone involved in schools, including teachers, parents, and students themselves. Johnson and Duffett (2003b), reporting on a survey of public attitudes in the United States, found that students, parents, and teachers alike reported that disrespectful behaviour among students in school was commonplace. Among the reported findings:

- 76% of Americans believed that their local schools have serious problems with lack of student discipline.
- 49% of high school students reported that teachers spend more time trying to keep order in the classroom than teaching.
- 43% of teachers reported that they spend more time trying to keep order rather than teaching.
- Only 19% of high school students reported that most students treat teachers with respect.

In the face of these problems, teachers often report frustration when their disciplinary efforts are thwarted by legal or policy constraints. Examples of these concerns have frequently appeared in the media. Rockoff (2003) reported that American school administrators were unwilling or unable to impose disciplinary measures on unruly students for fear of lawsuits. In Britain, teachers at two schools recently refused to teach two violent pupils who were expelled but reinstated by an appeals panel (Harrison, 2003). Teachers in Arizona recently complained that when teachers were threatened by students, they were not allowed to transfer schools, although students had the right to do so if they were similarly victimized (Go, 2002). In Philadelphia, a new high school teacher, who also happened to have a law degree, went to court when school administrators sent unruly students right back to his classroom after he had ejected them for abusive language and threatening behaviour (Snyder, 2003). Ingersoll (2003) argued that teachers must depend on being supported by their school administrators in cases of student discipline. He added that researchers have overlooked the importance of this issue: "[But] being backed up, or not, is one of the most crucial aspects of a teacher's job; indeed . . . it can be crucial to the likelihood they will even remain in their job" (p. 131).

Richard (2002) told the story of Mike Donnell, an American high school vice-principal whose daily work was dominated by discipline matters. In the article, Donnell remarked: "Everybody wants the assistant principal to fix it. 'Fix this kid.' We are spending too much time on discipline" (p. 2). Indeed, as Ingersoll (2003) commented, the task of deciding which behaviour and values are proper and best for students is neither trivial, neutral, nor value free. Vice-principals are expected to make those decisions in their schools to deal effectively with school discipline problems.

Vice-principal role understudied

But why study vice-principals? What is unique about their perspectives of the laws, policies, and regulations that relate to school discipline? To begin with, research literature has given scant attention to the role of vice-principals (e.g., Celikten, 1998; Greenfield, 1985; Kaplan & Owings, 1999). Weller and Weller (2002) described the role as one of the least researched and discussed topics in educational administration literature. Kaplan and Owings (1999) pointed out that vice-principals have received scant mention in professional literature, as little as 1% of a selection of articles in professional publications between 1993 and 1999. Calabrese (1991) described vice-principals as the neglected variable in the effective schools equation. He found a lack of support for the traditional vice-principal role: researchers belittled that role, principals ignored their talent, and experts tried to discover alternatives. Marshall (1992) and Calabrese and Tucker-Ladd (1991) each claimed that the role was often ignored and sometimes maligned by researchers and practitioners. Bloom and Krovetz (2001) observed that it was not unusual for vice-principals to be assigned a very narrow range of responsibilities, typically discipline or student activities. Johnson (2000) observed that teachers loved to hate vice-principals and that principals hated to love them. Glanz (1994) and Hartzell (1993) both noted the tendency of educational administration literature to focus only on the principalship, so that key differences between the work of principals and vice-principals have been neglected.

Legal and regulatory frameworks

In fulfilling their responsibilities, vice-principals are governed by various legal and regulatory frameworks. Their authority to deal with student discipline can be either enhanced or restricted by each of these frameworks. For vice-principals, discipline administration is often the context in which legal concerns surface first and most often (Hartzell, Williams, & Nelson, 1995). The legal and regulatory structures affecting vice-principals in dispensing student discipline can be summarized into three categories:

- Provincial and federal law
- School and school district policies
- Teacher-employer collective agreements

Each of these frameworks affects the work of vice-principals by defining duties and giving authority to carry out these duties.

Provincial and federal laws

In Canada, school laws are enacted exclusively by provincial governments by virtue of the provisions of Section 93 of the Constitution Act, 1867. Typically, each province has a piece of education legislation, such as the Education Act (1990) in Ontario, the Education Act (1997) in New Brunswick, and the School Act (2000) in Alberta.

School laws, and their accompanying regulations, provide the legal framework for the operation of public schools in the provinces.

Provincial education laws typically require that school officials maintain order and discipline in their schools. Canadian educational statutes rarely mention vice-principals or their legal authority in their schools. Vice-principals, although rarely mentioned in provincial statutes, generally have responsibility for dealing with serious student misconduct, but usually exercise only authority delegated from their principals to impose suspensions or similar major disciplinary sanctions on students. The federal Youth Criminal Justice Act (2002) includes provisions regarding the admissibility of student statements in criminal proceedings. In the course of their duties, vice-principals must be aware of these provisions when investigating allegations of student misconduct that violates school rules and may also merit criminal prosecution. Beyond specific provincial and federal statutes, vice-principals are also governed in their administration of student discipline by broader common law and constitutional principles such as in loco parentis, freedom of expression, and fundamental justice.

School and school district policies

It is not sufficient for vice-principals to read provincial and federal statutes to learn the extent of their disciplinary authority. As employees of a school and a school district, vice-principals are also subject to their policies. With little specific mention of their role in education statutes, vice-principals depend on the policies of their school and school district for much of their role definition and authority. As noted by Sperry (1999), decisions made by administrators and administrative bodies acting within the scope of their legal authority have the force of law. Therefore, vice-principals are legally bound by policies set out by their school boards, superintendents, and principals.

Dowhaniuk, Drennan, and Whetter (2003) pointed out that an Ontario vice-principal has only two statutory duties beyond those of a teacher: to perform duties assigned by the principal and to substitute for the principal in the event of the principal's absence. As a result, the policies of a school, particularly those of the principal, and those of a school district can either enhance or restrict the disciplinary authority of vice-principals. The working relationship between principals and vice-principals, particularly its effect on the disciplinary performance of the latter, is a matter that requires further research.

Teacher-employer collective agreements

Beyond the effects of school laws and policies, vice-principals must also consider the impact of teacher-employer collective agreements on their disciplinary duties. While most discipline issues faced by vice-principals are centred on teacher-student conflict, there are occasions when vice-principals find themselves in conflict with their teaching colleagues over issues of student discipline. In such conflicts, the collective agreement is often the rule book for resolving disputes. As the scope of teachers' collective agreements has broadened in recent decades, particularly in the area of working conditions, they have generally limited the discretionary authority of school administrators (Black, 2002; Hjelter, 1999). For vice-principals, this can make it difficult to assign supervisory duties to teachers beyond the strict limits of their timetabled duties. This could include supervision of lunch rooms, hallways, school grounds, school dances, and detention rooms. All these assignments are intended to prevent and respond to routine student misconduct at school. Black and English (1986) once remarked: "[Teacher] unions have never led the way for education innovation or serious reform" (p. 233). While this statement may be exaggerated and appears to ignore significant contributions of teacher federations to professional development and educational policy reform, it does express a common feature of collective agreements—the protection of teachers' working conditions by preserving the status quo.

Problem

In the midst of these legal frameworks, a key player in high schools is the vice-principal. Vice-principals potentially find themselves in adversarial relationships with students, teachers, parents, district administrators, and school board trustees as they carry out their responsibilities for school discipline. The problem addressed in this study was the lack of research into, and knowledge about, how these legal and regulatory frameworks affect vice-principals when dealing with discipline issues in their schools.

Purpose

The purpose of this study was to examine the effects of legal and regulatory frameworks on the work of high school vice-principals in carrying out their responsibilities for school discipline. Two questions provided the focus for this research study:

1. In what ways do existing legal and regulatory frameworks help or hinder high school vice-principals in carrying out their traditional responsibility for school discipline?
2. What unique perspectives do high school vice-principals have of the effects of these legal and regulatory frameworks?

Significance

This study is significant for both the theory and practice of educational administration. The theoretical significance of this study can be found in the following areas:

1. Greater understanding of the unique perspective of vice-principals in school discipline matters.
2. Increased awareness by educational law and policy makers of the effects of their laws and policies on the school administrators with most direct responsibility for their implementation.
3. Enhanced understanding of the interplay of the three distinctly different legal frameworks as they affect school discipline decisions.

The practical significance of this study for educational administration flows from, and is related to, its theoretical significance. Greater knowledge and understanding can lead to better, more informed decisions and practices in educational administration. From this study, the following practical contributions were expected:

1. The study provided an opportunity for the voices of vice-principals to be heard

on the topic of school discipline and the laws and policies that regulate their work.

2. This study provided recommendations to educational law and policy makers for improvements to existing laws and policies as identified by the respondents.
3. This study could assist in the development of training programs for school administrators, particularly vice-principals, by identifying areas where vice-principals need better knowledge and understanding.
4. Where study respondents identified effective strategies for dealing with legal and regulatory structures, these strategies and their benefits could be shared with their colleagues.

Summary

In summary, this study was intended to examine the effects of laws and policies on the work of high school vice-principals. It focussed on their responsibilities for maintaining safe and orderly learning environments in their schools and the extent to which existing laws and policies helped or hindered their ability to carry out these duties.

Chapter 2: LITERATURE REVIEW

This study is focussed on the intersection of the work of vice-principals and the effects of legal and regulatory frameworks on their work. This literature review addresses the following topics:

1. Work of high school vice-principals
2. Teachers' knowledge and perceptions of legal and regulatory frameworks
3. Legal provisions related to student discipline

Work of high school vice-principals

A search of the literature on the work of high school vice-principals turned up the following findings:

- Student discipline is the primary responsibility of high school vice-principals.
- Vice-principals deal with role tensions and constraints.

Responsibility for student discipline

Vice-principals bring a unique perspective to questions of school discipline and law for one very good reason: Discipline is their job. The literature regularly reports that school discipline is traditionally the primary responsibility of high school vice-principals (e.g., Barger, 1999; Mertz & McNeely, 1999; Moegling, 2001; Scoggins & Bishop, 1993; Smith, 1987; Weller & Weller, 2002). Reed and Himmler (1985) conducted a field study with eight assistant principals in three comprehensive high schools in two school districts in Southern California. They described the position of assistant principal as ambiguous. They observed that the status of a school was heightened by having two administrators. But this was also public testimony that the school had problems serious enough to warrant a full-time disciplinarian. Reed and Himmler found that the assistant principals in their study were primarily responsible for organizational stability within the school, and that this was achieved through three main administrative activities: monitoring, supporting, and remediating. The assistant principals in this study used the term disciplining to describe the full range of remediating activities applied in their schools to achieve and maintain organizational stability.

Barger (1999), in a study of novice vice-principals, explored their dilemmas as school disciplinarians. Echoing the culture shock described by Marshall's (1985) participants, Barger's respondents reported that their mental models and metaphorical ways of seeing the high school organization were often not congruent with the normative view of the high school organization. In other words, the ways that these vice-principals (with less than two years of experience) expected schools to operate in theory did not match what they actually observed and experienced in their job functions. In particular, Barger found that discipline dilemmas were an inherent part of the vice-principal role.

As noted by Mertz and McNeely (1999) among others, principals traditionally delegate responsibility for student discipline to their vice-principals, especially at the high school level. However, depending on the management style of a principal, a vice-principal may be granted greater or lesser latitude in discipline matters. Cole (2000), in a study of Georgia high school principals and vice-principals, found no significant difference between the perceptions of both groups with respect to the function of vice-principals in matters of discipline and supervision. By contrast, Marshall (1985) described a vice-principal whose disciplinary authority was undermined by her principal who allowed students "to walk all over him." Clearly, the working arrangement between the principal and vice-principal will be an important factor for the vice-principal to consider in making decisions on discipline matters.

Johnson (2000) claimed that vice-principals bear the burden of student contempt as they single-handedly hold the line between student anarchy and school policy. Teachers and principals regard vice-principals as the first line of support when classroom behaviour crosses an acceptable threshold (Calabrese & Tucker-Ladd, 1991). Hartzell, Williams, and Nelson (1995) found that teachers who send students to the office expect they will receive a timely report of discipline administered in line with their own definition of justice. Kaplan and Owings (1999) found that vice-principals typically maintain the norms and rules of school culture by accepting major responsibilities for student safety as chief disciplinarians, student conflict mediators, and hall patrollers.

Even where vice-principals are given or take on expanded instructional leadership roles, Calabrese (1991), based on his personal experience, commented: "In the end, however, regardless of how well I handled my expanded role, the school board, principal, teachers, students, and community still viewed and evaluated me as a disciplinarian" (p. 52). He added that the demands of the vice-principal role are exacerbated by the complexity of legal issues, contractual agreements, curriculum offerings, evaluations and observations, newly accepted social roles, and outreach programs. To fulfill these responsibilities, vice-principals, perhaps even more than principals, must know the relevant laws and policies and understand how to apply them effectively in the administration of student discipline.

Tensions and constraints

Apart from establishing their responsibility for school discipline, the literature does contain reports on the role tensions and constraints experienced by vice-principals. As seen from the Ontario statute cited earlier, the formal authority of a vice-principal is derived primarily from the principal. For that reason, it is critical for vice-principals to build positive working relationships with their principals. Moegling (2001), in a study of seven principal/vice-principal teams in Ohio, found that principals valued their assistant principals for facilitating the smooth operations of their schools. However, many vice-principals expressed frustration about difficulties in working with their principals. Weller and Weller (2002) commented that the vice-principal, unlike any others in the school, must walk a fine line between the maintenance and survival needs of the school and the needs and demands of students, teachers, and the principal. They argued that this "between role"—between teachers and the principal—made the leadership role of the vice-principal difficult. Maher (1999) found that vice-principals were more dependent than classroom teachers upon their principals for job assignments, direction, permission, and support. Celikten (1998), in a study of Wisconsin high school vice-principals, found that written job descriptions were not helpful in establishing role clarity. Instead, Celikten found that written job descriptions were merely symbolic, existing simply to have something written down. Marshall (1992) pointed out that classroom teachers could close the door and, within limits, do what they think appropriate with their classes. By contrast, vice-principals had no such door to close and were often required to carry out procedures based on judgements and values of others. As a result, she found that vice-principals would often adopt or adapt to the style and philosophy of their principals. Goodson (2000) emphasized that vice-principals must be careful not to display any visible dissension with actions or decisions of their principals.

Marshall (1985) reported on the enculturation of vice-principals. She reported that new vice-principals experienced culture shock as they moved from classroom teaching to the vice-principalship. This shock could come from feelings of inadequacy in dealing with the discipline functions or from feelings of stress when faced with fellow educators doing, as described by one respondent, stupid or wrong things. Nevertheless, vice-principals were required to defend teachers in front of parents and students in disciplinary encounters. Even when they did so visibly in such meetings, teachers would often complain about a lack of administrative support. Vice-principals, reported Marshall, also learned to practise the art of the street-level bureaucrat, which involved such techniques as routinizing procedures, rationing services, asserting priorities, and controlling clientele. Using the analogy of the hospital emergency room, Marshall used the term “administrative triage” to describe how vice-principals would select which discipline problems to deal with seriously and which to ignore. This included telling teachers which problems that the vice-principals would not handle for them.

In an analysis of the differences between a first-level leader (principal) and a second-level leader (vice-principal), Hartzell (1993) described a key characteristic of vice-principals to further illustrate this “between role”: “[Vice-principals] must succeed in influencing those above them in the hierarchy to acquire the resources (and sometimes the authority) they need to influence and facilitate those below” (p. 710). Hartzell observed that, while successful upward influence has not usually been considered a requisite for effective leadership, research has shown that leaders able to influence their superiors also have more influence with their followers. Similarly, Sutter (1996) found that Ohio high school vice-principals linked their job satisfaction to their belief that they were having a positive influence in their schools and that their talents and skills were being effectively utilized. Myers (1994), writing about switching from principal to vice-principal, discovered that vice-principals rarely have the power to make needed school improvements. Instead, they must, all too often, according to Myers, check with superiors before final decisions can be made. Mertz and McNeely (1999), in a case study of a high school vice-principal, found that she would use her understanding of her principals to frame issues in ways that would make sense to the principals and that were more likely to gain their approval. In a similar study, Radich (1990) reported that a vice-principal's role authority on any given issue would dictate the decision-making processes and strategies used. Hartzell, Williams, and Nelson (1995) reported that the role of vice-principals was complicated by the fact that they usually had to deal with situations that they did not initiate.

Summary

These research reports, written over a span of 20 years, establish the following working conditions of the high school vice-principalship. First, they have primary responsibility for dealing with school discipline matters. Secondly, their busy work days require them to make choices about their daily priorities, and these choices are subject to constant adjustment. Thirdly, because of the role change from classroom teacher to administrator, novice vice-principals often face a form of culture shock. However, the literature does not provide a clear picture of the effects of legal and regulatory frameworks on their role. It is not clear whether existing laws and policies provide help and support or obstruction and interference as they carry out their responsibility for school discipline. This study will provide clearer insight into this issue by focussing specifically on their perspectives and experiences.

Knowledge and perceptions

When teachers and vice-principals need to deal with student discipline matters, they must consider the requirements of school laws and policies. In this regard, Zuker

(1988) described the mythology surrounding the issue of student discipline in school, including such myths as "there is no discipline in school" or "teachers are helpless" in the face of defiant and disruptive students. He observed that such myths have led teachers and school officials to believe incorrectly that they lack sufficient authority to improve discipline and order. This belief, according to Zuker, stems from the fact that few teachers seem to receive very much information about the relevant laws in their formal training. Consequently, teachers may feel overwhelmed when confronted by student assertions of their "rights" and they may feel helpless in dealing with student misconduct or defiance.

Furthermore, school administrators, similarly hampered by ignorance, may fail to back teachers' discipline efforts. James (1994) expressed the belief that "[most] school administrators assume from the outset that the law will be more of an impediment than an aid in devising plans to deal with campus crime" (p. 190). Instead, claimed James, "nothing could be further from the truth" (p. 190). Johnson and Duffett (2003a) reported on a series of focus group discussions with American superintendents, principals, and teachers. They found that, for school administrators, avoiding lawsuits and fulfilling regulatory and due process requirements in disciplinary matters were often time-consuming and frustrating tasks. The participants in this study expressed concerns about the distasteful and sometimes disturbing ramifications of the "legalization" of public education. However, they recommended only modifications rather than sweeping changes to the laws and policies governing their work.

Zuker's (1988) statement about teachers' and administrators' lack of knowledge of relevant school law is supported by many other studies. For example, Reglin (1992), in a 1988 test of South Carolina high school teachers and administrators, found that his respondents generally seemed to have very limited awareness of the law as it applied to them and their daily school activities. As he pointed out elsewhere (Reglin, 1990), it is not easy for principals to answer confidently if parents or their lawyers challenge one of their decisions, especially when they have deficient knowledge of school law. Rockoff

(2003) claimed that the constant threat of lawsuits prevented school administrators from backing teachers' punishments of disorderly students.

In a Canadian study (Leschied, Dickinson, & Lewis, 2000), Ontario educators reported a high frequency of involvement with legal issues. However, these same educators claimed a considerable lack of confidence in their ability to respond in an informed way to situations that required knowledge of the law pertaining to children. Furthermore, they expressed the belief that they had inadequate opportunities for learning about relevant laws and legal issues. These findings correspond to those of other studies:

- Educators lack knowledge of student rights (Clark, 1991; Peters & Montgomerie, 1998).
- Beginning principals lack awareness of legal issues (Brown, 1995; Gonzalez, 1997).
- Principals do not have the legal training to identify constitutional issues in decision-making (Magnus, 1992).
- Teachers have inadequate knowledge of school law (Dumminger, 1990).
- Information about school law is not getting to teachers and principals from the school district level (Smith, 1989).

In the face of this evidence, it is not surprising that there are many studies that recommend more pre-service and in-service courses on school law, both for teachers and for principals. Specifically, there are recommendations for school law courses for principal certification and training (Archey, 1981; Stephens, 1983) and for pre- and in-service teacher education (Cooze, 1989; Crockett, 1995). There are also findings that teachers need a general understanding of school law (Hughes, 1986) and that graduate courses in school law greatly affect job satisfaction of doctoral graduates in educational administration (Lockwood, 1984).

The preceding discussion can be summarized by considering the importance of legal literacy for educators. Roher and Freel (2003) wrote about the importance of legal literacy for Canadian educators. They remarked that, in the school context, teachers, parents, and students were thinking more legalistically about even the most fleeting interactions. They urged educators to think legally and act logically. This would require educators to stay informed and constantly upgrade their knowledge of policies, procedures, and the law. It also would require principals to endeavour to prevent litigation by ensuring that the entire school staff was aware of legal issues and how to avoid conflict. Similarly, Foster (1994) used the term preventive law to describe the voluntary revision of school district policies and regulations to reduce the likelihood of potential litigation. Pritchard (1993) strongly recommended that Canadian school boards ensure that their policies are reviewed so that students' Charter rights are respected in discipline matters.

Legal provisions related to student discipline

Given the apparent lack of knowledge of the law displayed by teachers and school administrators, it is important to summarize some relevant legal provisions related to student discipline.

- Legal bases of school disciplinary authority
- Legal provisions related to selected discipline issues

Legal bases

Schools derive their authority to discipline students from statute law and common law. Statute law for education comes primarily from provincial school law, but other sources such as the federal Youth Criminal Justice Act (2002) also contain provisions relevant to school discipline. Common law refers to the body of law created by courts and judges in making decisions and used as precedents for later cases. In addition, the Canadian Charter of Rights and Freedoms (1982) provides a constitutional context for all Canadian law, including school law. Keel (1998) listed a wide range of disciplinary measures available to educators. Many corrective measures that deal with minor disruptions—such as reprimands, brief detentions, and loss of privileges—are not referred to in any legislation, except as part of the general statutory duty to maintain a safe and orderly learning environment. For more serious incidents, the application of discipline measures raises legal issues such as due process rights, human rights, or constitutional rights. Such measures include search and seizure, suspension and expulsion, and exclusion of intruders from school property.

In Canada, provincial school law imposes an obligation on teachers, including vice-principals and principals, to maintain order and discipline in their schools (Keel, 1998). For example, in Alberta, section 20 the School Act (2000) requires that a principal must "maintain order and discipline in the school and on the school grounds and during activities sponsored or approved by the board." Citing similar provisions in other provinces, Keel noted that courts have used them to enhance the power of principals and teachers (p. 80). He pointed out that they will normally not pass judgement on whether the decision made by an educator was right or wrong. Consider, for example, the following statement by Barclay J. of the Saskatchewan Court of Queen's Bench (Lutes v. Prairie School Division No. 74, 1992): "The Court should, subject to any Charter argument, refrain from ruling on the rightness or wrongness of the decision of the School so long as the School is acting within its jurisdiction in disciplining the student" (p. 237). Instead, courts will normally focus only on whether the teacher or school administration had the authority to make the decision and whether due process was followed (Keel, 1998, p. 129).

When vice-principals make decisions, for example, to suspend students under the provisions of provincial legislation or school district policy, they must be aware of the legal requirements that govern both the process and the outcome of their decisions. These requirements are variously described as procedural fairness, due process, natural justice, or fundamental justice depending on the jurisdiction and the context. The concept of procedural fairness was discussed in detail by the Supreme Court of Canada in Nicholson v. Haldimand-Norfolk Regional Board of Police Commissioners (1979) and Knight v. Indian Head School Division No. 19 (1990). Although these two cases dealt with employee dismissal, the same principles would apply to suspensions and expulsions of students by school officials. In the Knight case, the Supreme Court observed that the existence of a general duty of fairness to an individual would depend on three factors:

1. The nature of the decision to be made by the administrative body.
2. The relationship between that body and the individual.
3. The effect of that decision on the individual's rights.

In general, procedural fairness is required for final decisions with a serious impact on people with whom the administrative body has a legally defined relationship. In the school setting, it follows that a vice-principal's decision to suspend a student from school for several days, for example, would clearly impose a duty of procedural fairness.

Three concepts related to procedural fairness are known as due process, natural justice, and fundamental justice. While similar, these terms are not synonymous. They were distinguished by Pritchard (1993) as applying to American law, British common law, and post-Charter Canadian law respectively. Due process is required under the U.S. Constitution when a citizen's life, liberty, or property are threatened by government action. It is understood, in school matters, to have both substantive and procedural components (Hudgins & Vacca, 1999). The term natural justice evolved from British common law and has two main components: the right to be heard and the right to a hearing by an unbiased tribunal (Dukelow & Nuse, 1995, p. 782). In discussing the term in a 1979 case (Tandy Electronics Ltd. v. U.S.W.A., 1979, cited in Dukelow & Nuse, 1995), Cory J. of the Ontario Divisional Court (as he then was) described it thus:

> The concept of natural justice is an elastic one, that can and should defy precise definition . . . . How much or how little is encompassed by the term will depend on many factors; to name a few, the nature of the hearing, the nature of the tribunal presiding, the scope and effect of the ruling made. (p. 782)

Notice that the factors determining the extent of natural justice are similar to those described for procedural fairness in Knight.

With the proclamation of the Charter in 1982, a new concept entered Canadian law: the principles of fundamental justice. The Supreme Court of Canada first struggled with the definition of this concept in a 1985 ruling in a British Columbia case (Reference re s. 94(2) of the Motor Vehicle Act [British Columbia], 1985, cited in Dukelow & Nuse, 1995, p. 498). The principles of fundamental justice were described by Lamer J. (as he then was) as not synonymous with natural justice, but those principles "to be found in the basic tenets and principles, not only of our judicial process, but also of the other components of our legal system" (p. 499). The tenets of fundamental justice include, but are not limited to, the rules of natural justice and the duty to act fairly, including the concept of a procedurally fair hearing before an impartial decision-maker (Pearlman v. Law Society [Manitoba], 1991, cited in Dukelow & Nuse, 1995, p. 942). Like American due process, the principles of fundamental justice have both a substantive and a procedural component (R. v. Morgentaler, 1988, cited in Dukelow & Nuse, 1995, p. 942). In schools, this would mean that these principles would apply both to the content of school rules and to their application.

Selected issues

This section presents a summary of the legal requirements related to selected school discipline issues:

- Student suspensions
- Searches of students and their belongings
- Student misconduct occurring off-campus or outside school hours
- Dealing with disruptive intruders
- Assignment of teacher supervision duties
- Student attendance
- Non-suspension disciplinary options

Suspensions. One area of school law that affects school administrators is the suspension of students. In general, provincial education statutes give principals the power to suspend students (Giles, 1988; Keel, 1998; Mackinnon, 1994). More specifically, school law sets limits on lengths of suspensions, defines the offences for which suspensions are authorized, and prescribes the process to be followed by school officials when imposing suspensions.

In many Canadian provinces, there are statutory limitations on the length of suspensions imposed by principals. In Canada, limits for any single suspension by a principal can range from a low of three days in Saskatchewan (Keel, 1998, p. 161) to 20 days in Ontario (Education Act, 1990). A typical limit is five consecutive school days, as in Alberta and New Brunswick (Alberta School Act, 2000, s. 24; New Brunswick Education Act, 1997, s. 24).

Besides restrictions on the allowable length of school suspensions, education statutes may also specify the student offences for which suspensions are legally authorized. For example, the Ontario Education Act (1990) lists several offences for which suspensions are mandatory and permits school boards to list additional discretionary suspension offences. The Alberta School Act (2000, s. 24) provides two basic reasons for suspensions, but the New Brunswick Education Act (1997, s. 24) allows principals to suspend students simply "for cause." The legislation and regulations in New Brunswick suggest, although indirectly, that the offences for which suspensions will be authorized are to be decided at the school and district levels.

In addition to specifying the infractions for which suspensions are authorized and setting limits on their length, statutes and court rulings have described a range of procedural requirements for school administrators to follow when suspending students. On this matter, the landmark case in the United States was Goss v. Lopez (1975). The U.S. Supreme Court ruled that, for suspensions of 10 days or less, students were entitled to minimal due process. The Court stated that students must be given oral or written notice of the charges against them, an explanation of the evidence against them, and an opportunity to present their side of the story. An Ontario court made a similar ruling in Re Peel Board of Education and B. et al. (1987). Reid J. ruled that students should, at a minimum, be given an opportunity to tell their side of the story before principals make the decision to suspend students. Where a longer suspension or expulsion is being considered, then the due process requirements are more rigorous, including such features as the right to a full hearing, the calling of witnesses, and representation by legal counsel.

The general principle is that the greater the disciplinary sanction, the more rigorous the fairness or due process requirements (Keel, 1998, pp. 135-136; "School violence," 1994; Streshly & Frase, 1992).

Provincial legislation on suspensions and expulsions now typically includes provisions to protect students' and parents' rights to procedural fairness. For example, in Alberta, Ontario, and New Brunswick, principals are required to provide students or parents (or both) with written notice of the reasons for a suspension. These provinces also allow for students and parents to appeal some suspension decisions, either informally or formally to the principal, the superintendent, the school board, or even, in Alberta, to the Minister of Learning. In addition, Canadian students and parents can apply to the courts for judicial review and the common law remedies available there (Keel, 1998, p. 133).

There is an additional procedural point for vice-principals to consider. In most school statutes, the power to suspend students rests solely with the principal. Although the practice in many schools is for principals to delegate student discipline to vice-principals, only principals normally have the statutory authority to suspend students from school. Simpson (1995, p. 55) pointed out that a suspension letter signed only by a vice-principal may not be acceptable in a court or school board hearing in Ontario. He recommended that vice-principals be certain to have their principals sign all suspension letters.

An emerging feature of student suspensions has been the tendency towards mandatory suspension policies, often termed "zero tolerance." North American school jurisdictions have responded to public fears about school violence in recent years by enacting various types of zero tolerance policies, where students typically receive automatic suspensions or even expulsions for prescribed offences. A report from the U.S. National Center for Education Statistics (1998) indicated that zero tolerance policies had become widespread. According to their report, approximately 80% of American public schools had enacted zero tolerance policies for offences related to violence and tobacco. The proportion increased to approximately 90% for offences related to drugs, alcohol, and weapons. In Canada, the most obvious manifestation of this trend occurred in Ontario with the passage of the Safe Schools Act (2000). The result was that students would be subject to mandatory suspensions or expulsions for a provincially prescribed list of offences. School boards were entitled to define additional offences for which suspensions would be mandatory or discretionary.

Not surprisingly, the trend towards zero tolerance has triggered debate about the fairness and effectiveness of such policies. Holloway (2001/2002) conducted a review of the literature on zero tolerance and found evidence of support and opposition to zero tolerance policies. A study by the U.S. National School Safety Center (2001) contained a report of a poll of over 1500 adults in which 86% of respondents favoured zero tolerance policies for possession of drugs and alcohol at school and 93% supported such policies for weapon possession. In the same study, a poll of elementary school principals found that approximately 90% of respondents claimed that tough discipline policies, including zero tolerance, were absolutely essential for keeping schools safe. They acknowledged, however, that such policies did lead to an increase in student suspensions.

Other writers have criticized zero tolerances as being ineffective and unfair. Sautner (1998, cited in Pickard & Lozinska, 2003) argued that zero tolerance policies were more politically expedient than legally or educationally sound. She observed that current research showed that "get-tough" practices seemed to hide problems and lead to more school violence. Morrison and D'Incau (1997) reported that zero tolerance policies have often targeted the wrong behaviours and punished the wrong students. They found that only 20% of students disciplined under zero tolerance were those truly targeted by school officials because of the threat they posed to school safety. Similarly, Skiba and Peterson (1999) commented that zero tolerance policies turned schools into law enforcement agencies. They also observed that such policies produced few returns despite much "hype." Curwin and Mendler (1999) acknowledged that eliminating zero tolerance would be a hard sell because the concept is simple to understand, sounds tough, and gives the impression of high standards for behaviour. They argued that consequences for student misconduct must cover a broad spectrum from the mildest to most severe in order to be fair and effective. Dutton (2000) described the shortcomings of the two mainstays of zero tolerance policies, expulsion and criminal charges, and argued, as did Curwin and Mendler, for a range of sanctions to suit the specific situation. In particular, she criticized the abdication of discretion by school boards in favour of reliance on the criminal justice system as ill-conceived. She claimed that the criminal justice system was a blunt instrument not well-suited for dealing with children.

Others have defended zero tolerance policies. According to Freel (1998, cited in Pickard & Lozinska, 2003) advocates of zero tolerance believe that punishment provides an observable consequence that will deter other students from behaving unacceptably. Gagliardi (2001) critcized the call by the American Bar Association (ABA) for the repeal of American zero tolerance laws. He argued that the underlying assumption of the ABA and others that zero tolerance always means "one size fits all" was false. He asserted that school administrators must have the flexibility to act to sensibly and swiftly when necessary to keep their schools safe. Echelbarger et al. (1999) reported on an action research project conducted in Iowa in which a zero tolerance policy towards bullying in combination with a system of reporting and escalating consequences appeared to reduce the frequency of bullying behaviours. Lipsett (1999), writing about zero tolerance policies in an Ontario school board, found that school staff members, especially administrators, appreciated such policies for their deterrent effect. While administrators acknowledged lessened discretion when required to apply discipline as prescribed by policy, they also found that such policies offered them a consistent understanding of school board expectations. They did appreciate some flexibility in the number of days of suspension or in deciding whether to contact police. Lipsett argued that defining expected behaviour and stating in advance the consequences of misbehaviour provided the boundaries that students needed and appreciated.

Searches. In Canada, citizens have the constitutional right to protection from unreasonable searches. These rights are described in Section 8 of the Canadian Charter (1982). The issue of reasonableness has been crucial in determining the legality of searches in schools. In the United States, the landmark case dealing with search and seizure by school officials was New Jersey v. T.L.O. (1985). In this case, the U.S. Supreme Court set out two criteria for judging the reasonableness of any school search:

1. The search must be justified at its inception.
2. The conduct of the search was reasonably related in scope to the circumstances that justified it initially.

An Ontario case (R. v. J.M.G., 1986) arose shortly afterward in which a principal searched a student and found drugs in his possession. The outcome of this case was decided by the Ontario Court of Appeal using the reasoning of T.L.O. The J.M.G. decision served as the leading Canadian authority on student searches until the Supreme Court of Canada made its landmark ruling in 1998 on a case arising from Nova Scotia.

In Nova Scotia, the provincial Court of Appeal ruled in R. v. M.(M.R.) in 1997. The facts of the case were similar to those in R. v. J.M.G., except for the presence of an RCMP officer during the questioning and search by the school vice-principal. The Court of Appeal decision confirmed the legality of the search, using the same tests for reasonableness as in R. v. J.M.G. This case was subsequently appealed to the Supreme Court of Canada (R. v. M.(M.R.), 1998). Khan (1999) summarized that Court's rulings (pp. 425-428):

1. A student's reasonable expectation of privacy is significantly diminished in the school environment.
2. Teachers and administrators must be able to respond quickly and effectively to problems that arise in their schools.
3. The increasing presence of illicit drugs and dangerous weapons in schools challenges the ability of teachers and administrators to fulfil their responsibility to maintain a safe and orderly environment.
4. Reasonableness of a school search must be determined by all surrounding

circumstances.

5. A school search by school officials must be indirectly or directly authorized by a reasonable statute, such as a provincial education statute.
6. The search must be carried out in a reasonable manner. That is, it must be conducted in a sensitive manner and be minimally intrusive.

Accordingly, the Supreme Court of Canada upheld the decision of the Nova Scotia Court of Appeal supporting the legality of the search by the vice-principal.

American courts have dealt with a broader range of search cases than Canadian courts, including the issue of drug testing of students. Jensen (2000) cited several leading American court decisions that have extended the authority of school officials to perform drug tests on students, often, but not always limited to those in extracurricular activities. The leading U.S. Supreme Court ruling on the topic of drug testing was Vernonia School District 47J v. Acton (1995) in which it upheld a suspicionless search program for students wishing to participate in interscholastic athletics. It is worth noting that American jurisprudence, while not binding on Canadian courts, can be highly persuasive at times. Sussel (1995), in a review of the influence of U.S. case law in Canadian court rulings, found American court decisions useful in studying and evaluating changes to Canada's legal system and culture since the proclamation of the Charter in 1982.

Mitchell (1999) noted that the intentions of the Supreme Court of Canada were clearly not met in a case that arose in December 1998 in a Kingsville, Ontario high school. In this case, a teacher and a vice-principal conducted an invasive strip search of a group of male students following a complaint by a student that $90.00 had been stolen from him during a physical education class. Dickinson (2002) reported that the teacher, vice-principal, and principal were each disciplined by their school board as a result of this incident and that decision was upheld by an arbitrator. Keel (1998) concluded that, while courts have generally deferred to educators in discipline-related decisions, educators must not become complacent. He recommended that school administrators continue to seek professional development to learn how best to protect the human rights of students and to maintain a safe and orderly learning environment (pp. 171-172).

The cases cited above dealt with personal searches. Generally, school searches can be ranked according to their degree of intrusiveness, with more justification required for more intrusive searches (Bezeau, 1995, p. 269). Searches of students' lockers, desks, and automobiles are considered less intrusive than searches of clothing not being worn, backpacks, purses, wallets, handbags, or book bags. More intrusive would be searches of clothing actually being worn, and strip or body cavity searches would be deemed extremely intrusive. Sniff searches of unopened lockers and desks by dogs have been considered unobtrusive enough to be deemed non-searches (e.g., Doe v. Renfrow, 1980, cited in Hudgins & Vacca, 1999, p. 375). Sniff searches of persons are considered as intrusive as searches of clothing being worn.

With regard to student lockers, the basic principle is that these are school property. School officials are generally encouraged to warn students that they may enter and search lockers at any time necessary for the proper administration of the school. Such statements serve to avoid giving students broad expectations of privacy over their lockers and to maintain school control over them (Robertson, 2000). In recent Canadian cases in Newfoundland (R. v. J.J.W. and A.D.B., 1990) and Manitoba (R. v. S.M.Z., 1998, cited in "Reasonable search," 1999), courts have upheld locker searches by school officials. The Newfoundland court applied the principles of the J.M.G. decision to determine that the search was justified at its inception and was not excessively intrusive. Phillips J., of the Manitoba Court of Appeal, commented as follows in the S.M.Z. case with respect to student lockers:

> Finally, there is the fact the search that was carried out was the search of the young offender's locker, not his person. I have described above the circumstances under which students enjoy the use of school lockers, the degree of control that the school administration maintains over them, and the lower degree of expectation of privacy that flows from those circumstances.
>
> (R. v. S.M.Z., 1998, cited in Robertson, 2000, pp. 245-246)

It is important to note in all these cases that these principles apply only when searches are conducted by school officials at their initiative and for the purpose of school administration. In general, school officials have more authority and more latitude than the police in conducting searches of students at school. When school officials instead conduct searches as agents of the police, then the standards of probable cause and the requirements for search warrants would apply. An example of this principle arose in an Ontario case (R. v. Johnson, 1997, cited in Robertson, 2000). In this case, a school principal, acting on a police tip and with police presence and assistance, located drugs in a student's jacket. In this case, the trial judge suppressed the evidence obtained in the search not because of any failure by the principal, but because the police had violated the student's constitutional rights.

Misconduct off-campus or outside school hours. Besides issues concerning suspensions and searches, there are legislative provisions and court rulings dealing with the authority of school officials to deal with misconduct by students occurring off school grounds or outside school hours. In two early American cases, one in Vermont (Lander v. Seaver, 1859) and the second in Connecticut (O'Rourke v. Walker, 1925, cited in Alexander & Alexander, 1985, pp. 298-300), the courts found that teachers had the authority to do so. In the latter case, Keeler J. ruled that:

> [T]he true test of the teacher's right and jurisdiction to punish for offenses not committed on the school property or going and returning therefrom, but after the return of the pupil to the parental abode to be not the time or place of the offense, but its effect upon the morale and efficiency of the school, whether it in fact is detrimental to its good order, and to the welfare and advancement of the pupils therein. (p. 299)

La Morte (1990) summarized this and other court decisions by concluding that the nature and seriousness of the conduct and its potential impact on the public school and its programs are more important than where the conduct occurred (p. 181).

A case arose in 1992 in Saskatchewan where a student was given a month of noon hour detentions for singing a rap tune on the street during the noon hour (Lutes v. Prairie View School Division No. 74, 1992). The court made specific reference to a provision in the Saskatchewan Education Act (1995) making students accountable to the principal of their school for their general deportment at any time under school supervision, "including the time spent travelling between the school and the pupil's place of residence" (s. 151(2)). A significant point in this case was the fact that Lutes was transported each day by school bus. Left unanswered by the court was whether this ruling would also apply to students who come to school on their own.

In 1999, an Alberta school board was in the media spotlight over a student in one of its schools who had been convicted for sexually assaulting another student enrolled in the same school. The alleged assault took place on a weekend at the home of the accused. When the family of the victim complained about the effect of her assailant's presence in the same school, the school board initially decided that it did not have the legal authority to expel the offender from the school for an event that did not take place at school. When the provincial minister of learning informed the school board that it did have the right to discipline the offender, the school board reversed itself and ordered the expulsion of the student (Smithson, 1999).

Disruptive intruders. Another legal issue of concern to school administrators is the presence of disruptive or dangerous non-students on school property. Although the offenders are not students, their presence will interfere with the duty of vice-principals to maintain safe and orderly learning environments in their schools. Obvious problems include drug trafficking and threats of violence to students and staff of the school. School officials by virtue of their in loco parentis role have a clear duty of care to protect all students under their care. This includes the duty to protect all persons in the school community from threats not only to personal safety but also to any unnecessary disturbances to the learning environment.

The authority of vice-principals to fulfill these responsibilities is typically contained in two types of provincial legislation. Education legislation in all provinces normally prohibits disturbances in or on school property and accordingly authorizes school officials to order the removal of offenders from the school. In Ontario, for example, provincial education law gives the principal of a school the explicit power to refuse admission to the school or to the classroom a person whose presence is judged by the principal to be detrimental to the physical or mental well-being of the pupils (Education Act, 1990, s. 265 (m)). A recent Ontario regulation made under the Education Act specifies:

> A person is not permitted to remain on school premises if his or her presence is detrimental to the safety or well-being of a person on the premises, in the judgement of the principal, a vice-principal or another person authorized by the board to make such a determination. (O. Reg. 474/00, s. 3 (1))

The New Brunswick Education Act (1997) gives similar authority to all teachers: "Where a person creates or attempts to create a disturbance in or on school property while being used for school purposes, a teacher may exclude that person from the school property" (s. 22(1)). Failure to follow a teacher's directions as provided in the Act constitutes a provincial offence (s. 22(2)). A later subsection of that Act defines more specifically certain types of speech on school property that constitute an offence:

> Where a person, in or on school property, (a) uses threatening or abusive language, or (b) speaks or acts in such a way as to impair the maintenance of order and discipline in or on the school property, that person commits an offence. (s. 22(3))

The Alberta School Act (2000) contains a similar provision:

> No person shall (a) disturb or interrupt the proceedings of a school, (b) disturb or interrupt the proceedings of a school meeting or board meeting, or (c) loiter or trespass in a school building or on property owned by a board. (s. 27(1))

These provisions have been used by school officials to exclude students who have been suspended by other schools or expelled by the school board or other school boards. It has also been used to exclude parents or members of the public who have created disturbances at the school (Keel, 1998).

Alternatively, school administrators may use provisions of provincial trespassing legislation to exclude disruptive or undesirable persons from school property. In New Brunswick, the provincial Trespass Act (1983) makes specific reference to school property by prohibiting any person from trespassing on "the premises of a school, vocational school, university, college, trade school or other premises used for educational purposes" (s. 2(1)). The equivalent Ontario legislation specifically gives to Ontario school boards all rights and duties of an occupier (Trespass to Property Act, 1990, s. 1(2)). Trespass legislation typically includes provisions for giving notice to potential trespassers, and then identifying, apprehending, removing, and laying charges against them. Private citizens are typically required to report alleged trespassers promptly to police officers and are discouraged from making citizen's arrests and applying force when dealing with trespassers.

Assignment of teacher supervision duties. Vice-principals specialize in managing conflict when handling student discipline. While most discipline issues faced by vice-principals are centred on teacher-student conflict, there are occasions when vice-principals find themselves in conflict with their teaching colleagues. In such conflicts, the collective agreement is often the rule book for settling disputes. As the scope of teacher-employer collective bargaining has broadened in recent decades, particularly in the area of teachers' working conditions, they have generally limited the discretionary authority of school administrators (Black, 2002; Hjelter, 1999). For vice-principals, this can make it difficult to assign supervisory duties to teachers beyond the strict limits of their timetabled duties. This could include supervision of cafeterias, hallways, school grounds, school dances, and detention rooms. All these assignments are intended to prevent and respond to routine student misconduct at school. For example, a recent American study on the prevention of bullying at school recommended increased teacher supervision in areas identified as problem areas, especially lunch rooms, classrooms, and co-curricular activities (Harris, Price, & Willoughby, 2002). When vice-principals want to set up programs such as in-school suspension or others that involve teachers in promoting positive student behaviour, they must sometimes face opposition from teachers and from provisions of the collective agreement (Toth & Siemaszko, 1996).

Student attendance. Student absences are always a concern to educators worldwide. A recent report for the Organisation for Economic Co-operation and Development (OECD) found that Canadian teenagers are among the worst offenders in the world when it comes to skipping school, with 26% of students having low participation rates at school (Willms, 2003). This rate exceeded the OECD average of 20%. A recent Japanese report found that over 40% of parents of truant students reported some dissatisfaction with their schools' response to their children's truancy (Shimbun, 2003). Some American jurisdictions use aggressive approaches that involve the legal system in middle and high schools. Court orders can include community service, probation, and loss of driver's licence for offending students (Moore, 2003). In places, parents can be fined or even jailed if they fail to ensure that their children attend school (Vigoda, 2003).

Provincial compulsory attendance laws typically require children to attend school until age 16 or higher. These laws are enforced by specific truancy provisions that impose either sanctions for parents and students or suspensions for students (Keel, 1998, p. 20). However, court proceedings to enforce compulsory attendance, observed Keel, are cumbersome and penalties are not significant (p. 21). (See also "Legal impediments to school discipline," 1996.) Furthermore, student suspensions for truancy often seem totally counterproductive (Keel, 1998, p. 20). For that reason, administrators are reluctant to impose suspensions in cases of persistent student absence. In fact, in some jurisdictions, suspensions are not allowed for truancy or tardiness (Streshly & Frase, 1992).

For high school vice-principals, dealing with persistent truancy of students aged 14 to 16 can be very frustrating. School officials may seek alternative solutions besides school discipline. For example, a persistently truant child can be determined to be in need of protection under provincial child welfare legislation (Bezeau, 1995, p. 121). In

Alberta, school officials may refer persistently truant students to the provincial attendance board (School Act, 2000, s. 15). The powers of the attendance board include a referral to a child welfare director, a fine imposed upon the parents up to a maximum of $1000, or an order placing the student in a specific program. In Ontario, there is a special program called Supervised Alternate Learning for Excused Pupils (SALEP) (R.R.O. 1990, Reg. 308). The purpose of this program is to excuse students aged 14 and 15 "who no longer seem to be progressing in the school program from regular attendance at school" (Ministry of Education, 1983, cited in Keel, 1998, p. 39). In practice, students on SALEP are assigned to a work placement under the joint supervision of an employer and school personnel. Similar programs are sometimes available in other provinces.

Non-suspension disciplinary options. Vice-principals must consider all disciplinary options available to them for dealing with each case brought to their attention. Reed and Himmler (1985) observed that vice-principals have two types of resources for dealing with student misconduct: formal organizational sanctions and personal presence. The study found that vice-principals preferred to use their personal presence before applying organizational sanctions. The main reason for this choice was that most of their formal sanctions were only moderately effective. These options included parent contact, extra assignments, suspension, parent conference, and expulsion.

Suspension of students is a long-standing sanction applied by school administrators for student misconduct. However, there are both legal and pedagogical issues that make suspensions problematic. Gunn (1994) observed that parents, school board members, and educators themselves have frequently questioned the effectiveness of suspensions. As noted above, suspensions for truancy are particularly ill-suited, even if legally authorized, consequences. Vice-principals must face the tension between the expectation to give more support to disruptive students and the expectation to remove them from school for the benefit of other students. School administrators have argued that suspensions and expulsions are supposed to be a last resort (Crump, 2003). Crump reported on alternatives used in California districts such as mentoring teams, Saturday classes, and peer conflict resolution programs. Districts experiencing soaring suspension and expulsion rates, often due to zero tolerance policies, have sought these types of disciplinary alternatives. The state of Texas developed an elaborate disruptive youth program to allow for the removal of disruptive students from classes and, at the same time, to provide these students with an opportunity to receive a public education (Bickerstaff, Leon, & Hudson, 1998).

When vice-principals try to use alternatives to suspensions, they may face obstacles. These may include opposition from parents and students or even from teachers, district administrators, and trustees. For example, after-school detention, another long-standing practice in schools, was recently banned in Scotland after a high school student filed a lawsuit claiming that it was a violation of her human rights as described in the European Convention on Human Rights (Kelbie, 2003). Another short-term option, time-out, also came under intense scrutiny by education officials in Minnesota after complaints from parents and special education activists (Stern, 2002).

Key themes from the literature

The key themes that have been identified from the literature can be summarized as follows:

- Responsibility of high school vice-principals for school discipline
- Role tensions of high school vice-principals
- Effects of laws and policies with respect to selected discipline issues
- Confidence in their knowledge of relevant laws and policies

The literature consistently reports that high school vice-principals are responsible for school discipline. In spite of expressed desires and intentions to expand their instructional leadership role, particularly as training for the principalship, vice-principals tend to be seen and evaluated as school disciplinarians. Their role creates some tensions for them, both internally and externally. Internal tensions arise from being required to act in situations that they did not initiate or in ways that reflect the philosophy of others. External tensions come from the intermediate position that vice-principals occupy. They can find themselves caught between the competing interests and demands of students, teachers, parents, principals, district administrators, and the community. Nevertheless, school officials have a legal responsibility to maintain discipline in their schools. The existing legal literature shows that this duty is supported by laws and policies allowing them to take actions such as suspensions, searches, exclusion of intruders, and assignment of supervision duty to teachers. However, vice-principals cannot act in a completely unilateral way and they must also work within the limitations and requirements of all relevant laws and policies. To deal with the conflicts that are inherent in discipline matters, vice-principals must pay careful attention to a sometimes complex web of laws and policies. The literature suggests that teachers in general, and school administrators in particular, often express a lack of confidence in their knowledge of relevant laws and policies. This deficiency can cause teachers and administrators to be intimidated by students and parents challenging their discipline decisions.

Chapter 3: RESEARCH DESIGN AND METHOD

In Chapter 1, three legal and regulatory frameworks were described: provincial and federal laws, school and school district policies, and teacher-employer collective agreements. With these three legal and regulatory frameworks in mind, a study was designed to determine the extent to which these frameworks help or hinder high school vice-principals as they carry out their responsibilities for school discipline. In this chapter, I present the following information about the design and conduct of this study:

- Survey participants, materials, and data analysis
- Limitations
- Delimitations
- Research orientation
- Research quality criteria
- Ethical considerations

Survey participants, materials, and data analysis

Since each province has exclusive jurisdiction over education legislation, it seemed important to recognize that differences may exist in the laws and policies affecting the vice-principals in each province. For this study, high school vice-principals in three provinces were chosen: New Brunswick, Ontario, and Alberta. These provinces were chosen in an attempt to capture elements of the diversity of public education systems in Canada. These elements include such features as size, history, economic status, policy priorities, and geographic location.

Study respondents were identified by searches of school district websites and e-mail inquiries to school district personnel and school principals. Table 1 provides information on the numbers of school districts, high schools, and vice-principals involved in this study. The distribution of the questionnaire occurred during the 2002-2003 school year. The fifth and sixth columns indicate respectively the number of vice-principals to whom surveys were sent and the number of respondents. The response rates varied widely by province: New Brunswick (68%), Ontario (39%), Alberta (54%), overall

(44%). In Ontario and Alberta, several school districts required prior approval before the surveys could be sent to their high school vice-principals. Where approval was not granted, or judged not likely to be granted, these potential respondents did not receive the questionnaire. As a result, approximately one-third of the total estimated population of high school vice-principals in Alberta and Ontario, representing three school districts in each province, were not invited to participate in this study.

Table 1

Study participants

Province	School districts	High schools	Total VPs	VPs contacted	VPs respondents
NB	9	27	57	57	39
ON	31	474	782	527	208
AB	35	81	181	119	64
Totals	**75**	**582**	**1020**	**703**	**311**

Once the target respondents were identified, each received a survey instrument designed to learn selected aspects of their work context related to student discipline. These were the main sections of the questionnaire:

1. Job responsibilities
2. Suspension authority and practices
3. Student search authority
4. Disciplinary authority for off-campus or non-school hours student misconduct
5. Authority to deal with disruptive intruders
6. Authority related to assignment of teacher supervision duties
7. Involvement in teacher bargaining units
8. Dealing with student attendance
9. Discipline options other than student suspensions
10. Confidence in knowledge of relevant laws and policies

11. Demographic information (school and school district size, years of teaching and vice-principal experience)

A copy of the questionnaire is included in the Appendices. Most questions asked respondents to indicate the extent to which they agreed or disagreed with given statements by choosing among the responses Strongly Disagree, Disagree, Not Certain, Agree, and Strongly Agree. For data analysis purposes, these responses were recorded on a five-point scale (Strongly Disagree = 1, Not Certain = 3, Strongly Agree = 5). Two types of statistical tests were used for data analysis. One-way analysis of variance (ANOVA) tests were used to compare the responses on the five-point scale according to each respondent's province of employment. For the second test, a non-parametric test called the chi-square, the responses were sorted into two categories for each province: Agreed (choices Strongly Agree and Agree) and Did Not Agree (Not Certain, Disagree, and Strongly Disagree). This test considered only agreement and lack of agreement with the statement provided in each question. Chi-square tests were also used for items where ANOVA tests were inappropriate, particularly where frequency data were involved. These tests were used to determine whether statistically significant differences in responses occurred along provincial lines. In cases where statistically significant differences were found, the probability (p) that these differences were due to chance has been indicated. For example, the indication $p < 0.05$ indicated that there was less than 5% probability that the difference observed was due to chance. For these statistical tests, standard probabilities, called alpha levels, of 0.05, 0.01, and 0.001 were used for these findings.

Table 1 shows that there was a very wide difference in the number of respondents from each province. For that reason, mean responses were normally calculated only within each provincial group. Otherwise, an overall mean response for any item would be overwhelmingly affected by Ontario respondents. However, where an ANOVA test showed no statistically significant differences in the responses, then overall means were considered. This was particularly useful for items dealing with searches of students.

For most questions, respondents were also invited to provide explanations of their responses in spaces provided below each question. These open-ended responses, considered collectively, provided insight into why respondents held their opinions on various issues and allowed them to express their thoughts and concerns in their own words. Responses to each questionnaire item were collected and examined to identify recurring themes raised by respondents. Where appropriate, provincial differences in these responses were also noted. Summaries of these responses have been included with the statistical analyses in the Findings section of this report.

Respondents had a choice between completing the full questionnaire or a shorter Reason for Not Responding (RNR) form. The RNR form asked only for basic information about the size of school and school district, years of experience as a teacher and as a vice-principal, and the reason for not responding to the questionnaire. Out of the 311 responses received, 27 used the RNR form (NB 1, AB 4, ON 22), representing under 10% of the total responses. A copy of the RNR form is included in the Appendices.

There was also a Request for Study Findings form in the survey materials package. This form allowed respondents to request an executive summary of the study findings at the completion of the study (see Appendices). A total of 159 respondents submitted this form (NB 27, AB 29, ON 103), representing 51% of responses received.

Limitations

The limitations of any study are those which are inherent in the research design. For this survey, there were two main limitations to consider:

- Response rate
- Probing responses

I have described below my efforts to deal with these limitations.

Response rate

Since the data for this study were collected from a mailed questionnaire, the response rate was an important factor in the quality of the findings. Low response rates to mail surveys have frequently been cited as a limitation to the validity of the response data (e.g., Aiken, 1988; Fowler, 1993; Hopkins, Hopkins, & Schon, 1988; Mangione, 1995; Sully & Grant, 1997). According to Aiken (1988), the most important suggestions for improving response rates included ensuring good quality form and content to the questionnaire and providing appropriate incentives for respondents. Two such incentives described by Aiken included prior notification of the questionnaire and the promise to provide a summary of survey findings to respondents upon request. Prior notification can be done by using an advance newsletter explaining the purpose of the research and sharing information of interest to the respondent group (Denton, Tsai, & Chevrette, 1988). In the context of marketing, Bearden and Madden (1998) observed that forewarning consumers of forthcoming surveys can increase both response rates and public perception of industry professionalism. Fowler (1993) offered three important suggestions for reducing non-response to mail surveys: the task should be clear, the questions should be attractively spaced and easy to read, and the response task should be easy (p. 46).

In this study, I followed many of the suggestions described above. Prior notification of the coming surveys occurred through an e-mail message sent to principals of the schools in each school district. The e-mail message informed them that a survey would be arriving shortly for their vice-principal(s), explained the purpose of the study, gave the names of the vice-principal(s) and school address information, and asked them to confirm if I had the correct contact information.

I also provided each respondent with an opportunity to request an executive summary of the findings at the completion of the study. As noted above, over 50% of respondents completed and submitted a Request for Study Findings form. Some respondents noted on the questionnaire itself that they looked forward to receiving the results. Others invited me to contact them at my convenience to discuss the survey issues further.

As for the appearance of the questionnaire itself, I took several steps in this regard. Several drafts of the questionnaire were prepared and reviewed by colleagues in the Department of Educational Policy Studies for such features as appearance, clarity, and length. As suggested by Fowler (1993) above, I ensured that the questions were adequately spaced and clearly presented on each page. The questionnaires were copied into booklet form to make them appear more polished. The response task was eased by having most questions presented in the same fashion. For that reason, almost all questions asked respondents to indicate the extent to which they agreed or disagreed with given statements using the standard Likert response choices of Strongly Disagree to Strongly Agree. The anticipated length of time to complete the questionnaire was 20 to 30 minutes, depending on the extent of their writtten comments.

Probing responses

A second limitation of mail questionnaires is that they do not generally allow for the researcher to ask respondents follow-up questions to otherwise probe responses in greater depth or to address issues not contemplated by the researcher. I believe that the invitation and space provided for open-ended responses gave respondents the opportunity to extend their responses if they wished to do so. These comments were considered and reported among the study findings in Chapter 4. In some cases, respondents raised relevant issues not specifically anticipated by the questionnaire items.

Delimitations

As described earlier, this study involved high school vice-principals in three provinces: New Brunswick, Ontario, and Alberta. To facilitate inter-provincial comparisons, the study included some further delimitations. First, the study would include only vice-principals employed in schools serving only students in Grades 9 or 10 and higher. This would ensure that respondents would be dealing with students of similar ages in the three provinces. Second, the study was limited to English-language schools operated by non-Catholic public school districts in each province. This choice was made to avoid differences among respondents and their students that might be linked to French-language or denominational schooling.

This second decision also addressed two practical considerations. First, in New

Brunswick, there are no denominational school districts such as those existing in Ontario and Alberta. New Brunswick school districts are organized strictly along linguistic lines, with only anglophone and francophone school districts. Second, while French-language schooling exists in all three provinces, it is not nearly as extensive in Alberta as compared to Ontario and New Brunswick.

Research orientation

Among the competing paradigms in educational research, this study fits best into the postpositivist paradigm (Guba & Lincoln, 1998). In this paradigm, the ontological assumption is that objective reality exists, but that it is impossible for humans to understand it perfectly. During an investigation, the researcher will attempt to remain as an objective observer, without influencing the respondents. However, this paradigm recognizes that this dualism is a regulatory ideal, but not possible to achieve in practice. Accordingly, this paradigm assumes that any research findings are, at best, only probably true, and subject always to falsification. A research method that is compatible with this paradigm, and the one used for this study, is called the causal-comparative method. This is a type of quantitative research that seeks to discover possible causes and effects of a behaviour pattern by comparing individuals in different groups (Gall, Borg, & Gall, 1996). It is also called ex post facto research because the causes are studied after they have exerted their alleged effect on another variable. This method is used because many cause and effect relationships in education are not amenable to experimental manipulation.

Research quality criteria

Within the postpositivist paradigm, there are four traditional goodness or quality criteria by which research is judged: internal validity, external validity, reliability, and objectivity (Guba & Lincoln, 1998). Writing about postpositivist assumptions, Marshall (1990) argued that good research comes from good method properly applied. That is, she claimed that good research is honest, open inquiry where the researcher searches for alternative explanations and is self-critical. While there are several types of validity addressed by researchers, the term validity is essentially used to evaluate the degree to which any instrument has measured what it was intended to measure. On the topic of validity, Cook and Campbell (1979) argued that "we should always use the modifier 'approximately' when referring to validity, since one can never know what is true" (p. 37). This means that research techniques and controls in any study will attempt only to improve, but not guarantee, the validity of any findings. At all stages of this study, it was important for me to practise proper research techniques, to be open to suggested design improvements, and to consider all plausible explanations for apparent causal relationships suggested by the data.

Internal validity

For the quantitative data to be derived from the survey of vice-principals, there are well-defined procedures to test for validity. Cook and Campbell (1979) used the term internal validity to mean the validity with which statements can be made about whether there is a causal relationship from one variable to another in the form in which the variables were manipulated or measured. According to Best and Kahn (1993), the basic step in achieving validity on a questionnaire is asking the right questions and phrasing them in the least ambiguous way. It is for that reason that pilot testing of questionnaires was so important. For my questionnaire, the testing process included reviews of the draft questionnaire with colleagues in the educational administration program in the Department of Educational Policy Studies, including those with experience in school administration. The purposes of this testing process was to ensure that all terms were clearly defined, to eliminate ambiguities or irrelevant items, and to obtain an estimate of the instrument's ability to effectively sample significant aspects of the purpose of the investigation. Bell (1993) offered seven specific questions to ask respondents during the pilot testing of the questionnaire to achieve these purposes. These questions were used to guide my discussions with colleagues during reviews of questionnaire drafts. Martin (2000) argued that any questionnaire must be validated by at least two persons other than the survey creator and that these persons be experts in the area of inquiry or in research design. My survey instrument was reviewed by at least five such persons whose feedback was incorporated into the final form of the questionnaire.

I also received broader feedback on the content of the questionnaire in other ways. I presented a paper on the legal and regulatory frameworks affecting high school vice-principals through an online symposium organized by the University of Calgary (Brien, 2002). Once the paper was posted on the Internet, I received some interesting and useful feedback from researchers and school administrators from as far away as New Zealand, particularly on the topic of zero tolerance policies. I was also able to share the paper with school administrators that I knew in Ontario who were able to validate the selection of topics for the questionnaire. This process assisted me to improve the face validity of the questionnaire.

Gall, Borg, and Gall (1996) pointed out that it is difficult for researchers using the causal-comparative method to establish causality on the basis of collected data. Instead, they must always consider and test alternative explanations for any observed differences among comparison groups. In this study, I attempted to draw conclusions based on comparisons of vice-principal responses. These comparisons were made primarily according to their province of employment. Where differences appeared along provincial lines, I attempted to find causes for these differences in the responses themselves, especially in their written comments. In other cases, I would make reference to known differences in relevant laws and policies in each province.

External validity

A second type of validity is called external validity. This means that the inquiry should be conducted in ways that attempt to make time and setting variations irrelevant to the findings. In other words, the attempt is to make the findings of the study generalizable to any context. Cook and Campbell (1979) defined external validity as the approximate validity with which conclusions are drawn about the generalizability of a causal relationship to and across populations of persons, settings, and times. Guba (1981) prescribed controls and random sampling as the proper methods to guarantee context-proof findings. Yet, he clearly recognized these as the "ideal" or "textbook" answers that researchers could provide as unassailable responses to challenges to the trustworthiness of their findings. However, in field research, Cook and Campbell stated clearly that such ideal circumstances rarely exist. Instead, they claimed that formal, random sampling for representativeness is rare in field research. As a result, strict generalizations to targets of external validity are also rare.

There were two threats to external validity described by Cook and Campbell (1979). The first is whether the respondents who choose to participate in the study are representative of the population, including those who decline to participate. Depending on how participants are selected for the study, it is possible that those chosen may represent only people who are more likely than others to volunteer or who have more free time than most of the members of the target population. As a result, any data obtained may not be representative of non-volunteer members of the target population. Cook and Campbell suggested that a researcher can avoid this bias by making cooperation in the study as convenient as possible. For the mail survey used for this study, I took the steps described earlier to address the issue of response rate. I attempted to make it as user-friendly as possible, with clear questions, attractive layout, easy response system, and careful attention to completion time required. Furthermore, the use of the RNR form allowed me to gather some basic demographic information about those vice-principals who were unwilling or unable to complete the full survey.

The second threat to external validity, according to Cook and Campbell (1979), is the effect of different settings. The researcher must ask the question: Does the causal relationship hold in different settings? In some organizations, there may be a different level of volunteer bias depending on the level of cooperation with external researchers. In this study, I expect that my respondent vice-principals viewed me as a colleague and a peer rather than as an outsider. I hoped to achieve this result by describing myself and my practitioner-based experiences that have led to this study and how it will provide valuable support to their work.

To assist with gaining cooperation from respondent vice-principals, I made an effort to obtain support for my study from the professional organizations of vice-principals in each province. As a result, I received written support from the New Brunswick Teachers' Association (NBTA) for my study. I enclosed a letter of support from the NBTA president in survey materials addressed to New Brunswick vice-principals. In Ontario, principals and vice-principals belong to a voluntary organization called the Ontario Principals' Council (OPC). I applied for and received a research grant for my study. This led to mention of my study in the Fall 2002 issue of the monthly publication ("OPC Research Update," 2002). This article was copied and included in survey packages sent to participants in Ontario. I mentioned both NBTA and OPC support in communications with vice-principals, principals, and school district officials in the other provinces.

Reliability

Besides internal and external validity, Guba (1981) identified reliability as the third criterion for research quality within the rationalistic paradigm. Reliability refers to the stability of the results using a given set of research instruments.

Fowler (1993) placed emphasis on asking good questions as a means to achieve reliability of a survey instrument. He listed three properties of good questions: respondents are fully prepared to answer questions as worded, the questions mean the same thing to every respondent, and the appropriate response options are clearly communicated to respondents. To ensure that a survey contains good questions, Fink and Kosecoff (1985) commented that extensive pilot testing, together with analysis of results, will help to achieve reliability and validity. They suggested, in particular, that researchers make sure that definitions used in questionnaires are grounded in fact, established theory, or experience as a means to improve reliability. Guba (1981) also pointed out that reliability is a precondition for validity and not so much essential in its own right. Reaching a similar conclusion after listing the various tests for reliability, Elford (1996) described emphasis on validity over reliability as a better investment of a researcher's resources. For those reasons, the steps described earlier to achieve validity also addressed the reliability of the survey instrument.

Comments made by respondents themselves also suggested that my questionnaire items met the requirements for reliability described above. Some found that answering the questions was an enjoyable, thought-provoking, and reflective process. For example, an Ontario vice-principal commented: "Thank you. This has been a reflective experience." Another from Ontario said: "I enjoyed completing this survey." A New Brunswick vice-principal observed: "Well constructed survey with clear statements. I hope this will help." An Alberta vice-principal commented: "Excellent topic for study: I wish you well with it. Sure struck a chord with me." In light of the many respondents who commented about the heavy time demands of their job, this comment from an Ontario vice-principal was very striking:

> I am sorry if parts of my answers are incoherent. I just put in a 12 hour day. I felt it was important to do this survey (no matter what condition I was in).
>
> Thank you for doing this research—I feel it is very important and practical.

Consider also this comment from an Alberta respondent: "Thanks, Ken. This is an interesting study. I think VPs are probably often overlooked in the research." It appeared clear from these and other comments that respondents were willing and able to answer the questions. The topics were interesting to them and the questions and response options were clear to them.

Objectivity

The fourth indication of research quality is objectivity. In the rationalistic paradigm, objectivity is presumably guaranteed by the methodology (Guba, 1981). The biases of the researcher are supposedly screened out by using proper methodological controls. Cook (1993) cautioned that this assumption is problematic, and instead claimed that all empirical observations are theory-laden. As an alternative, he argued elsewhere (Cook, 1985) for "postpositivist multiplism." This approach is an attempt to improve objectivity by using multiple tests and a variety of methods for measurement. It is the same principle used in judging competitions such as figure skating, diving, and beauty pageants. In this study, my questionnaire instrument was constructed using such building blocks as extensive literature review, study of relevant legal documents, questionnaire testing, feedback from paper presentations, and personal experience. Respondents had the opportunity to clarify their responses to the questions by adding written comments. The combined effect of these multiple sources of input helped to increase the objectivity of my instrument and of my eventual findings.

Ethical considerations

Throughout all stages of this project, I followed the research ethics standards and requirements of the University of Alberta. In particular, I applied for and received ethical approval from the Research Ethics Board for the Faculties of Education and Extension for this study. In addition, some school districts in each province had their own approval process in order for my survey to be circulated within their jurisdiction. In cases where this approval was denied, or not likely to be granted, vice-principals in those districts did not receive questionnaires.

Sully and Grant (1997) expressed concern about the ethical and methodological issues in some follow-up procedures used to solicit responses from those who initially decline to do so. I used a version of the Reason for Not Responding (RNR) method recommended by Sully and Grant. Under the RNR method, questionnaire recipients who did not wish to participate in the survey were asked to respond simply by indicating their desire not to participate, the reason for not participating, and some basic demographic information. According to Sully and Grant, the RNR method seeks to respect the decision of those survey respondents who choose not to participate. As noted above, fewer than 10% of respondents opted to use the RNR for my study. The most common reasons given were lack of time, lack of vice-principal experience, or lack of responsibility for student discipline.

Summary

This study was directed at practising high school vice-principals. I developed a survey instrument for high school vice-principals in three provinces. The content and format of the questionnaire was based on input and feedback from a variety of sources. The surveys were intended for the entire population of high school vice-principals, subject to study delimitations and to school district approval when necessary. Responses were received from over 300 high school vice-principals in the three provinces. The quantitative and qualitative data were collected and analyzed using appropriate statistical and non-statistical methods. A summary of results was offered to respondents who made that request during the data collection period. Steps were taken throughout the conduct of the study to meet appropriate research quality criteria.

Chapter 4: FINDINGS

The findings of this study are presented in this chapter. They have been organized according to the major topics addressed in the questionnaire and linked to the initial research questions of the study:

- Responsibility for student discipline
- Suspension authority
- Search authority
- Misconduct off school property or outside school hours
- Disruptive intruders
- Teacher supervision duties and the teachers' bargaining unit
- Student attendance
- Non-suspension disciplinary options
- Confidence in knowledge of laws and policies

Responsibility for student discipline

Since the initial premise of this study was that high school vice-principals are responsible for student discipline, it was important to determine whether this was indeed true for the respondents in this study. The survey began by asking respondents to indicate their level of responsibility for a series of school issues, including student discipline. Consistent with the findings from the literature, most vice-principals described student discipline as their major or primary responsibility (Table 2). Respondents choosing the response "primary" were indicating that they were the staff members with the most direct responsibility for this issue. By contrast, the choice "major" indicated that, while having an important role in that issue, they had other duties that were equally or more important. Clearly, a much larger proportion of Ontario vice-principals (79%) said that they had primary responsibility for student discipline, compared to their colleagues in New Brunswick (42%) and Alberta (43%). The non-parametric statistical test, the chi-square, found that these differences in responses were statistically significant ($p < 0.001$).

Table 2

Responsibility for student discipline

(Percentages of Respondents)

Province	None (%)	Minor (%)	Major (%)	Primary (%)
NB	0	3	55	42
ON	0	0	21	79
AB	0	3	54	43

The most likely explanation for this apparent difference in responsibility is related to school size. As schools grow larger, as measured by the number of students or number of teachers, it is more likely that principals will delegate responsibility for student discipline matters more completely to their vice-principals. Table 3 presents information on average school size (with standard deviations), using full-time equivalents (FTE) for the number of students and teachers in the school, as reported by survey respondents. Respondent vice-principals from Ontario work in larger high schools than their counterparts in Alberta and New Brunswick.

Table 3

Average size of high schools

(Number of FTE students and teachers)

Province	FTE Students (Mean/Std Dev)	FTE Teachers (Mean/Std Dev)
NB	1008/445	56/24
ON	1046/415	63/23
AB	928/473	49/25

Suspension authority

Several survey questions dealt with student suspensions, particularly the degree to which vice-principals had the authority to use (or not use) suspension from school as a disciplinary option. In all three provinces, the statutory authority to suspend students is vested in the school principal. The New Brunswick Education Act (1997, s. 24) provides that principals may delegate their suspension authority to vice-principals, but the corresponding statutes in Alberta (School Act, 2000) and Ontario (Education Act, 1990) make no mention of vice-principals with respect to student suspensions. Notwithstanding statutory provisions, local district or school practices may act to enhance or restrict the actual suspension authority of high school vice-principals. Survey questions dealt with the following aspects of the suspension authority of vice-principals:

- Authority to suspend
- Maximum suspension length
- Working with their principals
- Mandatory suspension policies
- Adequate suspension authority

The following sections describe the findings with respect to each of these topics.

Authority to suspend

Respondents were asked whether provincial law, district policies, and their principals gave them explicit authority to suspend students from their school. They could choose the responses Yes (Y), No (N), Don't Know (DK), or Depends on Circumstances (DC) for each of these levels of policy-making authority. Table 4 presents a summary of their responses by province. Table entries are reported as percentages of responses received.

A very clear trend from these results is that the vice-principals appear to be more likely to have the authority to suspend students as the level of policy-making authority moves closer to the individual school. For example, in Alberta, while only 40% of respondents believed that provincial laws gave them explicit authority to suspend students and 53% claimed that district policies gave them this authority, a much larger proportion of 97% reported that their principals gave them this authority. A similar, although less striking pattern existed in the responses from New Brunswick and Ontario respondents. Principals appear to have a great deal of confidence in their vice-principals to exercise this authority on their behalf.

In their explanations of their responses to this question, vice-principals provided some further information about how suspension authority is exercised in practice. A very common procedure described by Alberta and Ontario respondents was that the vice-principal would normally make the suspension decision and do all the associated paperwork and required communication with the student and parents, but that the letter would be signed by the principal to satisfy the statutory requirements. Many vice-principals also pointed out that, when their principals were out of the building, they could issue suspensions on their own authority as "acting principals" in accordance with provincial law. Many Ontario respondents cited the recently added provision to the Education Act (1990, s. 306) allowing all teachers, which would include vice-principals, to suspend students for up to one day for certain offences.

Table 4

Explicit authority to suspend students

(Percentages of responses received for each level)

	NB	ON	AB
Provincial law	Y = 72% N = 25% DK = 0% DC = 3%	Y = 48% N = 47% DK = 2% DC = 3%	Y = 40% N = 49% DK = 2% DC = 9%
District policies	Y = 84% N = 11% DK = 0% DC = 5%	Y = 50% N = 43% DK = 1% DC = 6%	Y = 53% N = 40% DK = 2% DC = 5%
Principals	Y = 94% N = 3% DK = 0% DC = 3%	Y = 90% N = 4% DK = 0% DC = 6%	Y = 97% N = 1.5% DK = 0% DC = 1.5%

As a follow-up to the previous question, vice-principals were also asked to indicate the maximum length of suspension that they were authorized to impose without seeking prior approval from their principals. This would provide an indication of the amount of autonomy accorded to vice-principals when issuing suspensions. Table 5 summarizes their responses. Table entries are given as percentages of respondents from each province. A large majority of vice-principals in all three provinces had the authority to impose student suspensions of more than three days without seeking prior approval from their principals. Relatively small numbers of respondents required prior approval for all suspensions or had no suspension authority at all.

Table 5

Maximum length of suspension allowed without prior approval from principal

(Percentage of respondents for each province)

Length allowed	NB	ON	AB
3 days or less	14%	22%	12%
> 3 days	81%	69%	81%
Prior approval for all suspensions	0%	3%	7%
No suspension authority	5%	6%	0%

Maximum suspension length

In each province, there are statutory limits on the length of student suspensions. These limits are five days in New Brunswick and Alberta and 20 days in Ontario. If school administrators wish to remove students from school for longer periods, then they must deal with school district administrators or school board trustees, depending on the jurisdiction. Respondents were asked whether the maximum length of suspension that they were allowed to impose was adequate for their level of responsibility for student discipline. Response choices ranged from Strongly Disagree (1) through Not Certain (3) to Strongly Agree (5). Responses were also sorted into two categories, Agreed (choices Strongly Agree or Agree) and Did Not Agree (remaining choices). Responses are summarized in Table 6. A one-way ANOVA test showed that there was a statistically significant difference ($p < 0.01$) among the responses grouped according to province. A chi-square test also found a significant difference among the responses ($p < 0.05$).

Table 6

Maximum suspension length is adequate

Strongly Disagree = 1 Not Certain = 3 Strongly Agree = 5

Province	**No. of Respondents**	**Mean Response** (Std Dev)	**Agreed**
NB	37	3.8 (1.1)	29 (78%)
ON	179	4.3 (0.9)	165 (92%)
AB	58	4.5 (1.0)	54 (93%)

It appeared that New Brunswick vice-principals were less likely than their colleagues in Alberta and Ontario to agree that maximum suspension lengths are adequate to fulfill their level of responsibility for student discipline. Since the statutory maximum in both Alberta and New Brunswick is five days, it is necessary to look more closely at the reasons given by the respondents to explain the difference between those two groups. Two key factors appeared to be important for New Brunswick vice-principals: district office involvement and the appeals process. About one-quarter of New Brunswick respondents specifically cited the fact that only a district administrator could suspend students for more than five days. Consider, for example, this comment from a New Brunswick respondent:

> In most cases I would agree [that five days is adequate]. However, there are times when the suspension should be longer. It takes 5 days, often, to get the paperwork done to recommend longer. Then there is no guarantee that the recommendation will be upheld.

While this is, in fact, no different from the requirement in Alberta, the New Brunswick responses clearly implied that district level approval for longer suspensions was harder to obtain.

New Brunswick vice-principals also mentioned the appeals process, which appears to favour (in their eyes at least) students over administrators. As one New Brunswick vice-principal stated:

> Serious suspensions can be overturned by a committee of one person from district office and two parents who often don't have a feel for the long-term behaviour of a suspended student, rather than the "final straw" incident.

In New Brunswick, students and their parents can appeal the most recent suspension from school once the student has accumulated a total of five days of suspension in any school year. As another New Brunswick respondent pointed out, "For the 'repeat offender,' five days can add up very quickly." By contrast, the Alberta School Act (2000) has no formal appeal provisions beyond the school level until a suspension goes beyond five days. Several Alberta vice-principals commented that it was rarely necessary, or even desirable, to suspend students for longer than five days. As one Alberta vice-principal commented: "My responsibility is to help students succeed. Research shows that the length of the suspension does not have a direct influence on student behaviour and choices."

The situation in Ontario differs from both Alberta and New Brunswick. Although the maximum length of suspension is much longer in Ontario (20 days), any suspension over one day in length can trigger a suspension review or an appeal. Ontario respondents report that suspensions that go beyond about five to ten days tend to draw attention from their supervisory officers. This can vary greatly among different school districts. For example, one Ontario vice-principal said: "Superintendent makes us call if over seven days and it is a big deal if it is over 10 days." Another reported: "The principal supports my actions. However, this year, suspensions that are 10 days or longer must have the approval of the superintendent."

Like their Alberta counterparts, Ontario vice-principals report that three to five days is the typical length for most suspensions and that this length is generally adequate. Anything beyond that length is considered a major suspension and is reserved for very serious offences. As stated by one respondent: "Typically, three to five [day] suspension is adequate unless it is a very serious discipline issue and then we consult the superintendent." Another wrote: "Apart from fighting, which is an immediate five-day suspension, I can get the message on unacceptable behaviour across with one to three days." Some vice-principals claim to avoid liberal use of suspensions, preferring to use other disciplinary options and saving suspension for a last resort. As one argued: "I am not a 'big fan' of suspensions! Counselling, mentoring, etc., takes [sic] more time but is more effective in the long run. It is more work not to suspend."

Working with their principals

The autonomy of high school vice-principals in handling student discipline issues is highly dependent on their working relationship with their principals. Respondents were asked to report how they would normally work with their principals when making suspension decisions. In particular, they were asked whether they would make the decision, inform the student and then the principal or whether they would consult with the principal first and then inform the student. Vice-principals choosing the first pattern would need to be very confident in their authority to suspend students, since it would be damaging to their credibility with students if principals were to overturn the suspension decision. The second pattern might be appropriate for less experienced vice-principals. A third pattern suggested to respondents was that the process would always depend on the circumstances. A fourth choice, where the vice-principal would consult with the principal and then the principal would inform the student of the suspension, was not chosen by any respondents. Table 7 summarizes the responses chosen, as percentages of respondents in each province.

The New Brunswick vice-principals appeared most likely to act autonomously in handing out suspensions to students, perhaps because of the statutory authorization and the limited length of suspension allowed. Alberta respondents were most likely to adjust their actions to the circumstances. A chi-square test found no significant difference among these responses.

Table 7

Working with their principals when making suspension decisions

(Percentages of respondents in each province)

Process followed	**NB** (%)	**ON** (%)	**AB** (%)
Consult first with principal, then inform student	12	12	12
Inform student first, then inform principal	62	45	42
Process always depends on circumstances	26	43	46

Respondents were invited to provide explanations for their responses to this question. They described three main situations where they would involve their principals in suspension decisions before informing students and parents: special circumstances, severity of infraction or potential penalty, and emphasis on teamwork. Special circumstances would include discipline cases that were new, unique, unusual, or difficult in some way. Vice-principals noted, in particular, cases where there was potential for parental or community opposition to a suspension decision. Respondents also indicated that they would generally consult with their principals for lengthy suspensions or for very serious offences. Many vice-principals claimed that there was an emphasis on teamwork among members of the school administration team. This included predetermined suspensions for certain offences and frequent consultations among principals and vice-principals to ensure consistency and fairness in suspension decisions.

A significant aspect of vice-principal comments on this topic was that very few respondents indicated that their principals required these consultations. Instead, vice-principals said that they wanted to consult with their principals and appreciated their support and advice when unusual or serious situations would arise. The following comments illustrated this point:

- "As a team player and as a novice VP I have a principal who guides me whenever I ask. She allows me to walk her through the process and instructs me according to process. If the case is very difficult, I feel very comfortable with her guidance." (Emphasis in original) (ON vice-principal)
- "Consulting with the principal is effective when a new situation arises or if I feel that I may be too emotional or not connecting with the student." (AB vice-principal)
- "We try to work as a team. We often consult each other, especially for major infractions. For a minor infraction, I do all the work. For a major infraction, our principal will often 'take the heat.' She's great! But it is a horrible position for anyone to be placed in." (NB vice-principal)

These comments were typical of the ways in which vice-principals described their working relationship with their principals on suspension decisions.

Mandatory suspension policies

In many school jurisdictions in North America, concerns about violence and other student misconduct at school have led to the adoption of "zero tolerance" and similar mandatory suspension policies. These policies, with specified offences leading to automatic consequences such as suspension or even expulsion, have a great deal of popular appeal because of their apparent clarity and simplicity. Respondents in this study were asked whether they agreed that such policies are useful to them. Results are presented in Table 8. A one-way ANOVA test and a chi-square test applied to the data both found a significant difference among the responses ($p < 0.001$).

It appeared clear that support for mandatory suspension policies was strongest among Ontario vice-principals and weakest among Alberta vice-principals. The Ontario Safe Schools Act (2000) amended the Education Act (1990) to include a legislated list of mandatory suspension and expulsion offences and allowed school boards to create their own lists of additional offences. The legislation allowed for specified mitigating circumstances to be considered by school administrators. While there is no similar provincial legislation in Alberta or New Brunswick, individual schools or school districts may have their own zero tolerance policies for certain offences.

Table 8

Mandatory suspension policies useful

Strongly Disagree = 1 Not certain = 3 Strongly Agree = 5

Province	**No. of Respondents**	**Mean Response** (Std Dev)	**Agreed**
NB	36	3.8 (1.2)	25 (69%)
ON	181	4.2 (0.9)	157 (87%)
AB	57	3.3 (1.5)	30 (53%)

Respondents who supported such policies gave the following reasons:

- They promote consistency among administrators and schools.
- They provide clear standards and expectations for students.
- They simplify explanations of consequences to parents and students.
- They allow vice-principals to work more efficiently and make decisions more easily.
- Ontario legislation allows for consideration of mitigating circumstances.
- Even if suspension is mandatory, vice-principals can determine the length.
- Provincial code of conduct brings focus back to good discipline.

The following comments by respondents illustrated how vice-principals expressed their support for mandatory suspension policies:

- "Zero tolerance on possession and dealing of drugs and possession of firearms means there are no grey areas open for interpretation." (AB vice-principal)
- "Zero tolerance policies are useful if I have some level of discretion if, upon investigation, the situation warrants." (Emphasis in original) (AB vice-principal)
- "Zero tolerance—violence, drug use, bullying—set the standard by which the

school can function." (NB vice-principal)

- "Mandatory suspensions are policy, however I do have some discretion regarding several of the policies. The mandatory [suspensions] are often easier for parents to accept … depending on the circumstances." (ON vice-principal)
- "I support the mandatory suspensions outlined in the Ontario Education Act. I still have room to decide the length of the suspension." (Emphasis in original) (ON vice-principal)
- "Having the Safe Schools Act present to mandate suspensions in certain categories provides a level of support necessary when dealing with parents who do not support the discipline consequence allotted their children." (ON vice-principal)
- "It is often useful to have a law or policy statement to back up a suspension. Definitive direction on student discipline limits the "grey area" and eases the decision making process—the complication still exists in determining the length of each suspension." (Emphasis in original) (ON vice-principal)
- "Being able to quote provincial law regarding suspension removes the parent and student ability to try and make this situation personal. It eliminates the 'you're targeting my child' or 'you don't like me' argument parents try to pose when their child had made a poor decision." (ON vice-principal)

There appeared to be a definite pragmatic emphasis in these comments. Ontario vice-principals, in particular, supported the new policies because they facilitated the making, communicating, and defending of their suspension decisions. They also appreciated having some flexibility in the application of these policies.

Those vice-principals expressing lack of agreement with mandatory suspension policies provided the following reasons. These comments came from respondents in all three provinces, although these sentiments appeared to be more prevalent among Alberta vice-principals:

- Vice-principals may prefer to choose alternative consequences instead of suspensions for certain students or situations.

- Such policies remove the professional judgement of vice-principals.
- They may not consider mitigating circumstances.
- They may hinder the building of relationships with students.
- They may not account for a student's history or character.
- They are not appropriate or effective for exceptional students.
- There is a lack of restorative justice or support programs to reintegrate suspended students.

The following comments by respondents illustrated these sentiments:

- "Zero tolerance can result in very silly hands tied decisions where 'teaching opportunities' are lost." (AB vice-principal)
- "I disagree with the idea of zero tolerance as each situation/student is different. We build relationships with kids/teachers. We treat kids fairly not necessarily equally. Students appreciate this." (AB vice-principal)
- "Zero tolerance can sometimes cause more problems because you have no flexibility to work with the student. There are some tough cases that need a much more severe consequence and the way our School Act is set up it basically does not have any teeth to make the student really accountable. The student gets shuffled in the division." (AB vice-principal)
- "Zero tolerance removes the individual circumstance. Although I am not a 'relativist' I do believe there can be mitigating factors in most situations." (AB vice-principal)
- "Very strongly opposed to any zero tolerance. I am paid to think/make decisions, not to mindlessly suspend." (NB vice-principal)
- "'Zero tolerance' policies provide little leeway to interpret the circumstances of the infraction and sometimes force me to suspend when I would rather find an alternate solution (such as counseling or treatment)." (Emphasis in original) (ON vice-principal)
- "Zero tolerance does not work in the long term. All research I have read does

> support zero tolerance in the short term and then changing to a more individualized analysis for suspensions. A vice-principal has to think through the problem solving process and not rely on some rule to make the proper decision." (ON vice-principal)

In general, these comments appeared to emphasize more philosophical or principled positions with respect to zero tolerance or similar policies. This was certainly not surprising from respondents in Alberta and New Brunswick, where no such provincially legislated policies are currently in effect.

Adequate suspension authority (provincial, district, school)

The last set of questions about suspensions asked respondents whether provincial law and school and school district policies gave them adequate suspension authority to fulfill their level of responsibility for student discipline. Mean responses (and standard deviations) are summarized in Table 9. Table 10 presents a summary of those respondents who indicated agreement (responses Agree or Strongly Agree) with the statement for each level of authority.

Table 9

Student suspension authority adequate

Strongly Disagree = 1 Not Certain = 3 Strongly Agree = 5

Province	No. of Respondents	Provincial law (Std Dev)	District policies (Std Dev)	School policies (Std Dev)
NB	36	3.7 (1.1)	3.7 (1.0)	4.2 (0.6)
ON	181	4.0 (1.0)	4.1 (0.9)	4.4 (0.7)
AB	58	3.7 (1.3)	4.1 (1.2)	4.5 (0.9)

One pattern observed in the responses is that vice-principals in all three provinces appear to have more suspension authority as the policy-making body becomes more localized. Principals and school boards appear to give more suspension authority to their vice-principals than provincial legislation. This is most striking for Alberta respondents. The exception to this pattern appears at the school district level in New Brunswick.

A second pattern was that there appeared to be some provincial differences in responses. On the question of whether provincial law provides adequate suspension authority, Ontario respondents indicated the strongest agreement with that statement. A one-way ANOVA test found a significant difference ($p < 0.05$). A chi-square test with the data grouped into two categories (Agreed and Did Not Agree) also yielded a significant difference among the responses ($p < 0.01$).

The differences appeared to be more clear on the question of district policies. A one-way ANOVA test and a chi-square test both showed significant differences among the responses grouped by province ($p < 0.05$ for both). When the responses to this question are compared to those for the previous one, the most striking observation is the difference between the Alberta and New Brunswick responses. While Alberta vice-principals appeared to report more suspension authority at the district level, their New Brunswick colleagues appeared to report less authority.

Table 10

Student suspension authority adequate

Respondents indicating agreement with each statement

Province	No. of Respondents	Provincial law	District policies	School policies
NB	36	28 (78%)	26 (72%)	34 (94%)
ON	181	154 (85%)	162 (90%)	174 (96%)
AB	58	39 (67%)	50 (86%)	53 (91%)

By contrast, these differences appeared to evaporate at the school level. Both ANOVA and chi-square tests showed no significant differences in the responses grouped by province. Over 90% of respondents in each of the three provinces indicated agreement with the statement that school policies gave them adequate suspension authority to fulfill their level of responsibility for student discipline.

In their written comments, respondents identified three major issues that affected their responses to these questions: vice-principal signing authority, principal support, and district office support. Many respondents, particularly in Ontario and Alberta, noted that they would prefer to have provincial law give them authority to sign suspension letters, without the necessity of consulting with, and getting signatures from, their principals for all cases. Regardless of official written authority, most important to vice-principals was the support received from their principals. Many respondents commented that they appreciated having the trust and confidence of their principals, often developed over time and through mutual support and teamwork.

By contrast, some vice-principals, particularly in New Brunswick, cited instances of lack of support from their district office, including superintendents and other supervisory officers. These obstacles could include excessive documentation required to support suspensions, decisions by district officials to modify or overturn school suspension decisions, and lack of adequate district responses in very serious cases. Here are some typical comments:

- "Suspension of students is not the issue. It is when students appeal the process and district office overturns these decisions." (NB vice-principal)
- "While the authority from District is sufficient on paper, I have to report and explain far too many details of all actions and decisions." (NB vice-principal)
- "The district level is where practice is disheartening. Administrators need to be permitted to administer. Instead, we are second-guessed and given directives on issues that should be the clear domain of the school." (NB vice-principal)
- "I have had one case of a student bringing weapons to school and my recommendation for a full expulsion was not supported by the supervisory officers. I believe this could have created an unsafe situation." (ON vice-principal)
- "When my decisions are challenged, it is not my knowledge of the relevant laws

> but the knee-jerk reaction of district personnel that a lawyer is involved." (NB vice-principal)

There appeared to be less belief by vice-principals that their supervisory officers had the same trust and confidence in their decision-making when compared to their principals.

Search authority

The next set of questions asked vice-principals about their authority to search students and their belongings. This authority is derived from both provincial and federal law. Provincial law gives school officials the duty to maintain order and discipline in their schools. This would include searches for the purpose of administering school rules. However, because searches of students and their belongings could trigger criminal prosecution, depending on the items found during the search, vice-principals must also consider the requirements of federal criminal law. In addition, they must also consider the federal constitutional principles associated with individual rights to privacy and security of the person as provided in the Canadian Charter of Rights and Freedoms (1982). School boards may also choose to develop their own policies to govern student searches by their employees. These policies may not exceed the scope of their legal authority, but they may be more detailed and specific to the expectations and circumstances within their local jurisdictions.

Vice-principals responding to this survey were asked to indicate whether this authority was important to fulfill their responsibility for student discipline and whether their authority was adequate to do so. Of particular interest would be whether respondents answered these two questions differently. A difference in responses could represent an area of concern for legislators and policy-makers, especially if vice-principals were to identify this authority as important but not adequate to do their job. Mean responses (with standard deviations) grouped by province are summarized in Table 11. Respondents reporting agreement with the statements are reported in Table 12.

One-way ANOVA tests for each question showed no significant differences among responses grouped according to province (Table 11). Similarly, chi-square tests found no significant differences among responses for either question (Table 12). With no statistically significant differences among responses grouped by province, it was therefore appropriate to calculate the overall means for each question (Table 11). Since there was no significant difference between the responses to the two questions, it appeared that vice-principals in all three provinces believed that the adequacy of their authority to search students matched its importance to their responsibility for student discipline.

Table 11

Authority to search students is important and adequate

Strongly Disagree = 1 Not Certain = 3 Strongly Agree = 5

Province	**Search authority important** (Std Dev)	**Search authority adequate** (Std Dev)
NB	4.5 (0.8)	4.2 (0.8)
ON	4.3 (1.0)	4.4 (0.8)
AB	4.2 (1.1)	4.1 (1.1)
Overall	**4.3 (1.0)**	**4.3 (0.8)**

Table 12

Authority to search students is important and adequate

Respondents indicating agreement with statements

Province	**Search authority important**	**Search authority adequate**
NB	34 (92%)	32 (89%)
ON	160 (87%)	167 (91%)
AB	48 (83%)	49 (84%)
Overall	**242 (87%)**	**248 (90%)**

Respondents clearly indicated that it was very important to have the authority to search students and their belongings and that their authority is adequate to fulfill their responsibility for student discipline. There was little difference among the responses of vice-principals from the three provinces. This was likely the result of the greater importance of federal law in this area.

An examination of their written comments on this topic found three major themes:

- Vice-principals believe that they have more search authority than police officers.
- Vice-principals are very careful about the process and scope of their searches.
- Vice-principals believe that, while searches may not occur frequently, they are a necessary part of their duties to prevent problems related to drugs, weapons, and theft.

Many respondents noted that they have the authority to conduct searches at school without search warrants and probable cause required by police. Instead, citing court rulings or school legislation, they claimed to have the right to search with only reasonable suspicion. They exercise this authority, however, with great caution. Vice-principals will conduct searches with another adult witness present, typically their principal or another school staff member. They will generally limit the scope of their searches to student lockers or their belongings. Instead of touching students, they will ask students to empty their pockets and backpacks and to remove outer clothing such as jackets or shoes and socks. If more intrusive searches are required or if students refuse to cooperate with searches, then vice-principals will normally ask the local police (or school resource officers if available) to conduct these searches. The main purposes cited for these searches were to ensure student safety and to promote a positive learning environment, both of which are threatened by the presence of drugs, weapons, or stolen goods. Vice-principals commented that searches were not a common event in their schools, nor did they enjoy this task, but that the authority to do so was necessary for them to fulfill their responsibilities.

Misconduct off school property or outside school hours

The next set of questions provided a series of statements concerning student misconduct occurring off school property or outside of normal school hours. The purpose was to learn the extent to which vice-principals agreed that they should have disciplinary authority in these situations:

- A student is in a fight off school property during school hours.
- A student harasses another student on the way to or from school.
- A student harasses a teacher in a public area off school property.
- A student commits a serious criminal offence against another student.
- All cases of student misconduct having a negative effect on the school.

Mean responses (and standard deviations) on the five-point scale are summarized in Table 13. The number of respondents from each province indicating agreement with the statements is reported in Table 14.

Table 13

Student misconduct off property, outside school hours

Strongly Disagree = 1 Not Certain = 3 Strongly Agree = 5

Situation	**NB** Mean/Std Dev	**ON** Mean/Std Dev	**AB** Mean/Std Dev
Fight off property	4.3/0.8	4.2/1.1	4.1/1.2
Harass student off property	4.2/1.0	4.4/0.9	4.3/1.0
Harass teacher off property	4.5/0.8	4.1/1.2	4.3/1.0
Serious criminal offence against student	3.0/1.4	3.4/1.4	3.4/1.4
Any negative effect	3.3/1.2	3.6/1.3	3.7/1.3

One-way ANOVA tests applied to each question (Table 13) found no significant differences among the responses grouped according to province. Chi-square tests (Table 14) also found no significant differences, except for the question about students harassing teachers off school property ($p < 0.05$). For that item, respondents in New Brunswick (94%) and Alberta (89%) were most likely to agree with the statement that they should have disciplinary authority in such cases, compared to their colleagues in Ontario (78%). Vice-principals in all three provinces appeared to hold similar opinions on their disciplinary role in these situations. While there appeared to be strong agreement on their responsibility for the first three situations, there was much less support for the last two, more general statements.

Table 14

Student misconduct off property, outside school hours

Respondents indicating agreement

Situation	NB	ON	AB
Fight off property	34 (92%)	156 (84%)	46 (79%)
Harass student off property	32 (86%)	167 (90%)	50 (86%)
Harass teacher off property	34 (94%)	145 (78%)	51 (89%)
Serious criminal offence against student	15 (42%)	100 (54%)	30 (52%)
Any negative effect	18 (50%)	110 (60%)	36 (62%)

In their written comments, vice-principals voiced the following opinions:

- They should have authority to act where the misconduct can be clearly connected to the school.
- They want to act in the given situations to protect school climate.
- Many expressed concern about extending their authority beyond school hours or school property.

Respondents observed that the situations presented could be connected to the school by origin or effect. Fights occurring off school property, for example, may have started through verbal exchanges at school and would, therefore, be connected to the school. In other cases, conflicts or harassment arising outside the school may spill over into the school, having an effect on school climate. Where vice-principals saw a clear connection between the misconduct and the school, they were more likely to express the desire or necessity to exercise their authority. Respondents expressing agreement with the statements cited the need to protect student safety, to maintain positive behaviour expectations, and to fulfill their in loco parentis responsibilities. They claimed, for example, that students had a right to feel safe both on and off school property and that failure to deal with misconduct could cause students to be afraid to attend school.

However, many respondents were very concerned about maintaining boundaries on the extent of their responsibility for student conduct. They expressed concern about extending their role beyond their competence and capacity, especially in cases of serious criminal offences, where they believed that police involvement would be more appropriate. They were also very wary about the potential for almost unlimited time demands associated with becoming involved in student behaviour at all times. Many claimed that they had more than enough problems to deal with during school hours without taking on those arising outside of the school day and away from school property.

Disruptive intruders

The next pair of questions concerned disruptive intruders. Similar to the questions about student search authority, respondents were asked whether it was important to have the authority to exclude disruptive intruders and whether their authority was adequate to fulfill their responsibilities for school discipline. Mean responses (and standard deviations) are presented in Table 15.

Vice-principals in all three provinces were strongly in agreement with the statement that it was important for them to have authority to exclude disruptive intruders (NB 100%, ON 98%, AB 97%). A clear majority also agreed that their authority to do so was adequate (NB 86%, ON 89%, AB 89%). One-way ANOVA and chi-square tests for each question showed no significant differences among responses grouped by province. Therefore, the overall means (and standard deviations) are also presented in Table 15.

Responses to the two questions were then compared to see if there were any statistically significant differences between them. Such differences could indicate a matter of concern for legislators or policy-makers. In this case, a one-way ANOVA test applied to the two sets of responses showed a significant difference ($p < 0.001$). Sorting the responses for each question into two categories (Agreed and Did Not Agree) allowed for the application of the chi-square test, which also found a significant difference in the responses ($p < 0.001$). While 98% of all respondents reported that this authority was important, only 89% claimed that their authority was adequate. These results suggest that these vice-principals believed that some increased authority in this area is needed.

Table 15

Authority to exclude disruptive intruders

Strongly Disagree = 1 Not Certain = 3 Strongly Agree = 5

Province	**No. of Respondents**	**Authority important** (Mean/Std Dev)	**Authority adequate** (Mean/Std Dev)
NB	37	4.8/0.4	4.1/0.9
ON	185	4.8/0.5	4.3/0.9
AB	58	4.8/0.6	4.4/1.0
Overall	**280**	**4.8/0.5**	**4.3/1.0**

The written comments of vice-principals on this topic could be summarized into three categories:

- The nature and scope of the problem of disruptive intruders.
- The critical importance of the support of local police.
- The effectiveness of provisions and practices related to trespass laws.

Many respondents reported that dealing with disruptive intruders was not a major problem for them, but others claimed just the opposite. They commonly cited their primary responsibility for school safety, pointing out that intruders were often a source of problems such as fights and drugs. Vice-principals described their concerns about various types of intruders, including former students, non-student adults, and even parents. The role of the police was the most commonly mentioned topic in respondent comments. Many vice-principals claimed that their normal response to uncooperative trespassers was to contact police immediately. While most expressed satisfaction with the support of the local police, some complained of slow response time or unhelpful actions and suggestions. Several vice-principals commented that the presence of full-time school-based police officers was very helpful and effective in preventing problems in their schools. Similarly, most respondents claimed that their provincial trespass acts gave them clear authority in this area. However, there were many who complained about the slow and time-consuming processes associated with laying formal charges and minimal consequences imposed by courts for persistent trespassers. Others described problems with disruptive individuals hanging around just off school property and believed that there should be enforceable laws to prevent loitering near school property.

Teacher supervision duties and the teachers' bargaining unit

Student misconduct during unstructured times during the school day can be prevented by providing visible adult supervision on school property. This can be accomplished by assigning supervision duties to teachers in such areas as hallways, cafeterias, and bus loading areas before and after classes and during lunch periods. In some jurisdictions, teacher-employer collective agreements contain provisions related to teachers' working conditions, and these may include limitations on the amount of supervision that vice-principals may assign to teachers.

Table 16

Assignment of supervision duties to teachers

Strongly Disagree = 1 Not Certain = 3 Strongly Agree = 5

Province	**Authority important** (Mean/Std Dev)	**Authority adequate** (Mean/Std Dev)
NB	4.5/0.7	4.1/1.1
ON	4.6/0.6	3.5/1.3
AB	4.3/0.8	4.2/0.8

The next pair of questions asked respondents whether it was important for them to have authority to assign supervision duties to teachers and whether their authority was adequate to fulfill their responsibilities for student discipline. Mean responses (and standard deviations) are presented in Table 16.

There was a high level of agreement with the statement that it was important to have the authority to assign supervision duties to teachers (NB 92%, ON 96%, AB 88%). A different pattern emerged with respect to the statement that their authority to assign supervision to teachers was adequate. While 78% and 88% of New Brunswick and Alberta vice-principals respectively agreed that their authority was adequate, only 64% of Ontario respondents expressed similar agreement.

One-way ANOVA tests applied to the responses for each question found significant differences among the responses grouped by province ("authority important": $p < 0.05$; "authority adequate": $p < 0.001$). Chi-square tests applied to the data also found significant differences for each question ("authority important": $p < 0.05$; "authority adequate": $p < 0.001$). Ontario vice-principals in particular appeared to differ from their colleagues in the other two provinces, especially in the differences in their responses to the two questions. This suggests that there are particular circumstances related to teacher supervision duties in Ontario that do not exist to the same extent in Alberta and New Brunswick.

There were some common issues raised by respondents from all three provinces on this topic:

- Visible teacher presence enhances school safety and student discipline.
- School administrators shoulder responsibility for supervision needs not covered by teachers.
- Many respondents described supervision as an accepted practice or a professional expectation that most of their teachers were willing to do.

Vice-principals in all provinces appeared to agree that it is important for school safety and student discipline to have teachers provide supervision in their schools, especially during unstructured periods of the school day. However, when unexpected situations arise that require additional supervision, or when teachers are unavailable or unwilling to do supervision, vice-principals find themselves filling the resulting gaps in the supervision schedule. Many respondents, especially in Alberta, claimed that supervision was an accepted part of the professional expectations of teachers. They also agreed, although to a lesser extent in Ontario, that their teachers were generally willing to fulfill their duties and were cooperative when special needs arose. By contrast, some Ontario vice-principals cited a loss of teacher goodwill as the reason for increasing unwillingness of their teachers to carry out duties that were once a normal part of the job.

Ontario respondents identified the teacher-employer collective agreement as a major obstacle to assigning adequate supervision within their schools. They noted that these contracts place limitations on items such as the number of supervision periods, the length of each supervision period, the amount of notice to be given to teachers, and the type of supervisory duties. Many, but not all, claimed that the amount of contractually allowable supervision is inadequate to ensure student safety within the school. These respondents pointed to the difficulties that arise when unexpected supervisory needs arise and to severely limited budgets for substitute teachers (called supply teachers in Ontario), forcing many teacher absences to be covered by teachers and thus reducing the amount of assignable supervisory time available to vice-principals.

The collective agreement did not appear to be as serious an impediment in the other two provinces. In New Brunswick, vice-principals reported on only one provision in the collective agreement with the potential for causing problems with assigning teacher supervision. New Brunswick teachers are entitled to a 60-minute duty-free lunch period. However, New Brunswick respondents indicated that most of their teachers were willing to overlook this requirement and share in lunch hour supervision duties. Alberta vice-principals reported no problems with the collective agreement, although there was some concern about a lack of authority to deal with teachers failing to fulfill their supervisory responsibilities.

A related element in the issue of the assignment of supervision duties to teachers is the relationship of vice-principals to the local teachers' bargaining unit. Respondents were asked whether they had been actively involved in both bargaining and non-bargaining activities of the teachers' bargaining unit during their term as vice-principal. Mean responses (and standard deviations) are presented in Table 17.

One-way ANOVA tests for each question found significant differences in the responses grouped by province ($p < 0.001$ for each). Ontario vice-principals reported much less involvement in the activities of the teachers' bargaining unit. This is not surprising given that Ontario principals and vice-principals were removed from teachers' federations by the provincial government in 1997. In Alberta and New Brunswick, principals and vice-principals continue to belong to the local teachers' bargaining unit. Nevertheless, even in those two provinces, vice-principals reported a low level of involvement with bargaining and non-bargaining activities of the teachers' bargaining unit. Respondents noted that their absence at the bargaining table could result in contract provisions, including those related to teacher supervision duties, that could be difficult for vice-principals to implement. This would affect their ability to fulfill their responsibilities for school discipline.

Table 17

Actively involved in teachers' bargaining unit activities

Strongly Disagree = 1 Not Certain = 3 Strongly Agree = 5

Province	**Bargaining activities** (Mean/Std Dev)	**Non-bargaining activities** (Mean/Std Dev)
NB	2.4/1.5	2.5/1.4
ON	1.5/0.9	1.9/1.2
AB	2.7/1.4	2.7/1.4

Student attendance

The next set of questions concerned the responsibility of vice-principals for student attendance. Respondents were asked to indicate the extent to which they agreed with the following statements:

- Dealing with attendance occupies a significant amount of time.
- Their authority provides an adequate range of options for persistently absent students of compulsory school age.
- Their authority provides an adequate range of options for persistently absent students beyond compulsory school age.

Mean responses (and standard deviations) are summarized in Table 18. The findings for each question are described in the sections that follow.

Table 18

Dealing with student attendance

Strongly Disagree = 1 Not Certain = 3 Strongly Agree = 5

Province	**Significant time** (Mean/Std Dev)	**Options for compulsory age** (Mean/Std Dev)	**Options beyond compulsory age** (Mean/Std Dev)
NB	4.3/0.9	2.5/1.3	2.9/1.3
ON	4.4/0.8	3.1/1.3	3.6/1.1
AB	4.2/0.9	3.1/1.4	3.7/1.2

Significant time

It was clear from the responses that vice-principals in all three provinces must spend a significant amount of time dealing with problems related to student attendance. There was a high level of agreement with the statement among respondents in all three provinces (NB 92%, ON 95%, AB 90%). There was no significant difference among the responses grouped according to province using both ANOVA and chi-square tests. In their written comments, respondents in all three provinces described their frustration with the amount of time consumed by attendance problems, often without much success.

Students of compulsory age

In all three provinces, students are required by law to attend school until they graduate from high school or reach a specified age (18 NB, 16 ON, 16 AB). Respondents were asked whether their authority gave them an adequate range of options for dealing with students of compulsory school age who were persistently absent from school. A one-way ANOVA test applied to the responses found a statistically significant difference ($p < 0.05$).

The data were also analyzed by grouping the responses from each province into two categories: Agreed (choice of Agree or Strongly Agree) and Did Not Agree (remaining choices). Table 19 presents a summary of the responses grouped this way. A chi-square test applied to the data found a significant difference ($p < 0.05$) among the responses grouped by province. While Ontario and Alberta respondents appeared nearly evenly divided between agreement and lack of agreement, nearly three-quarters of New Brunswick vice-principals did not agree with the statement.

Table 19

Student attendance

Adequate range of options for students of compulsory age

Province	No. of Respondents	Agreed	Did Not Agree
NB	37	10 (27%)	27 (73%)
ON	185	95 (51%)	90 (49%)
AB	57	28 (49%)	29 (51%)

Respondents in all three provinces reported that the major difficulty in dealing with truancy among students of compulsory school age was the lack of effective options. On one hand, their enforcement options were limited to suspensions or referrals to provincial attendance officials. Suspensions were often not allowed by school district officials and widely seen as counterproductive for persistent absences. Officials designated to enforce provincial attendance laws usually had heavy caseloads and limited enforcement options themselves, leading many vice-principals to find the attendance laws largely useless. On the other hand, vice-principals also recognized that persistent student absences indicated that the standard school program might not be meeting their students' needs. Unfortunately, they also reported that alternative educational programs or settings and resource personnel were inadequate for the number of students needing these services. This problem was exacerbated for New Brunswick vice-principals because of the extra two years for which they were required to provide programs to students.

Students beyond compulsory age

Vice-principals also deal with student attendance problems for those who are beyond compulsory age. While not legally required to enroll in or to attend school, these students are still subject to school rules, which normally include expectations for attendance. Respondents were asked whether they had an adequate range of options to deal with these students who were persistently absent from school. A one-way ANOVA test applied to the data as presented in Table 18 found a significant difference ($p < 0.01$).

The data were also sorted to consider simple agreement or lack of agreement with the statement as described previously. Table 20 displays the data grouped this way. A chi-square test applied to the data in Table 20 also found a significant difference among the responses ($p < 0.001$). As with students of compulsory age, New Brunswick vice-principals were much less likely than their Ontario and Alberta counterparts to agree that they had an adequate range of options for dealing with students with attendance problems. For students beyond compulsory school age, nearly three-quarters of Ontario and Alberta respondents agreed that they had an adequate range of options to deal with persistent absences by these students, compared to almost 40% of New Brunswick respondents. Comparison of data in Tables 19 and 20 shows that vice-principals from all three provinces were more likely to agree that they had an adequate range of options for students beyond compulsory age.

Once students have reached the legal school leaving age in their province, vice-principals reported that they have a few more options to use in dealing with attendance problems. To begin with, students can make their own choice to withdraw from school. This can reduce the obvious friction that results from students being forced to remain in school against their will. For those who do not choose to withdraw, but whose attendance is unsatisfactory, vice-principals can create individual contracts with students under which continued enrollment in the school is tied to attendance and other performance indicators. Many respondents indicated that their schools will remove students from courses if they reach a specified number of unauthorized absences. Vice-principals will encourage some students to seek employment and to return to school when these students have an improved commitment to their high school education.

Table 20

Student attendance

Adequate range of options for students beyond compulsory age

Province	No. of Respondents	Agreed	Did not agree
NB	36	14 (39%)	22 (61%)
ON	185	137 (74%)	47 (26%)
AB	58	43 (74%)	15 (26%)

Vice-principals did report some problems with enforcing attendance expectations for students beyond compulsory age. They were concerned about some older students who would continue to enroll in school for questionable reasons and to display inadequate effort, performance, or devotion to learning. Some respondents described parental opposition to the withdrawal of their children from school in such cases. Student and parent appeals to district officials would often result in reinstatement without any improved student commitment. Ontario participants pointed to recent changes to the Ontario curriculum that have made it unclear whether schools can remove students from high school courses because of unsatisfactory attendance. Ontario respondents also observed that existing alternative programs for compulsory age students, even as limited as described above, were often completely unavailable to students over 16 years old.

Non-suspension disciplinary options

While suspensions appear to be the most obvious discipline measure available to vice-principals for serious student misconduct, vice-principals also recognize their limitations and undesirable effects for some students. The next set of questions asked respondents whether laws or policies at the provincial, district, and school levels allowed them enough disciplinary options, apart from suspensions. This section summarizes the perceptions of respondents with respect to each level of authority. It also describes some alternatives to suspension identifed by respondents. Table 21 presents mean responses (and standard deviations) to these questions. In the sections that follow, there is a description of the findings with respect to each level of policy-making authority.

Table 21

Non-suspension disciplinary options

Enough disciplinary options allowed by each level of authority

Strongly Disagree = 1 Not Certain = 3 Strongly Agree = 5

Province	Provincial law (Mean/Std Dev)	District policies (Mean/Std Dev)	School policies (Mean/Std Dev)
NB	3.5/0.9	3.4/1.0	3.7/0.9
ON	3.7/1.0	3.8/1.0	3.8/1.0
AB	3.7/1.2	4.0/1.1	4.0/1.1

Provincial laws

Respondents from all three provinces appeared to generally agree that provincial law allowed them enough disciplinary options apart from suspensions. A one-way ANOVA test applied to the data as presented in Table 21 found no significant difference among the responses grouped by province. The data were then sorted into two categories (Agreed and Did Not Agree) as described previously. Table 22 summarizes the responses grouped by simple agreement or lack of agreement. A chi-square test applied to the data in Table 21 found no significant difference among the responses.

Table 22

Non-suspension disciplinary options

Provincial law allows enough disciplinary options

Province	No. of Respondents	Agreed	Did Not Agree
NB	37	24 (65%)	13 (35%)
ON	186	136 (73%)	50 (27%)
AB	58	42 (72%)	16 (28%)

School district policies

As with responses about provincial law, data were sorted and analyzed in two ways. First, a one-way ANOVA test was applied to the responses reported in Table 21. A significant difference was found among the responses ($p < 0.05$). Second, the responses were grouped according to simple agreement or lack of agreement with the statement as described previously. Table 23 presents the data grouped this way. A chi-square test also found a significant difference among the responses ($p < 0.05$).

Table 23

Non-suspension disciplinary options

School district polices allow enough disciplinary options

Province	No. of Respondents	Agreed	Did Not Agree
NB	37	22 (59%)	15 (41%)
ON	185	142 (77%)	43 (23%)
AB	58	49 (84%)	9 (16%)

Alberta respondents were most likely to agree with the statement. Respondents from New Brunswick appeared less likely to agree that district policies allowed them enough non-suspension disciplinary options to fulfill their level of responsibility for student discipline in their schools. This result is consistent with the findings reported earlier about suspension authority from the district level (see Tables 9 and 10). As one New Brunswick vice-principal commented: "The district level is where practice is disheartening. Administrators need to be permitted to administer. Instead, we are second-guessed and given directives on issues that should be the clear domain of the school."

School policies

Similar analysis was applied to the question concerning non-suspension disciplinary options allowed by school policies. A one-way ANOVA test applied to the data presented in Table 21 found no significant difference among the responses. The responses were then sorted into two categories, Agreed and Did Not Agree, as described previously. Table 24 presents the data sorted in this way. A chi-square test found no significant difference among the responses.

Table 24

Non-suspension disciplinary options

School policies allow enough disciplinary options

Province	No. of Respondents	Agreed	Did Not Agree
NB	37	27 (73%)	10 (27%)
ON	185	140 (76%)	45 (24%)
AB	58	48 (83%)	10 (17%)

Alternatives to suspensions

Respondents offered many comments on the topic of non-suspension disciplinary options. Examination of these comments uncovered the following themes:

- Vice-principals will attempt a variety of non-suspension alternatives.

- Suspension is often the only available disciplinary tool.
- Use of alternative disciplinary options is limited by lack of resources and external support.

Vice-principals reported that laws and policies generally do not mention any alternatives to suspensions. When they attempt alternative strategies, such as counselling, moral suasion, detention, in-school suspension, or community service, and students do not comply, then they have no choice but to impose suspensions as a last resort. Many respondents expressed frustration with the lack of resources to use in-school suspensions or even detentions. Budget cuts and collective agreement restrictions were cited as reasons for lack of support programs or staff for alternative disciplinary options. Creative approaches such as school clean-up and other community service required the support and cooperation of parents, students, and even custodial unions. The following comments from respondents illustrate these concerns:

- We do feel, when it comes to district policy, (maybe provincial) that we are very limited in our options apart from suspensions. I get the comment from parents often, "Isn't there anything else you can do?" (NB vice-principal)
- I feel the problem is not the policy but money. We have a policy concerning in-school suspension but no money to fund the program. As a result, students are suspended who might otherwise be placed in ISS for a week. (NB vice-principal)
- We basically have 3 tricks in our discipline bag … detention, in-school suspension, some might call it study hall, and suspension. That does not give much flexibility. I recently assigned a girl who had made a mess the task of cleaning the cafeteria and although her parents agreed, I was approached by the custodians' union that this girl was doing their job. Parents are often unwilling to accept any consequences for their child's actions and are frequently very critical. It is very difficult to deal with student discipline amidst all this adversity. I have no problem dealing with kids, but the adults often drive me nuts. (ON vice-principal)

- Disciplinary options--$$$ not enough. I am not a proponent of suspensions but sometimes this seems to be the only option—not enough school personnel—not enough support from Social Services—not enough parent support—most involve $$$. (Emphasis in original) (NB vice-principal)

Without the necessary support and resources, vice-principals were often forced to use out of school suspensions.

A common thread throughout their comments was that vice-principals would attempt to find disciplinary measures to protect the learning environment of their schools and also to meet the needs of individual students facing disciplinary action. This required a balancing of interests and priorities. A New Brunswick vice-principal expressed the following concern: "We are too timid in education to exclude students who persistently disrupt the education of others. We've gone too far in protecting individual rights." On the other hand, an Alberta vice-principal commented: "Always discipline students from the perspective of helping them to succeed!" Similarly, an Ontario vice-principal observed: "My philosophy always makes the student's growth the centre of the decision. Sometimes the hard line will inspire growth but sometime small adjustments with the soft touch will go much farther." These competing demands require vice-principals to have access to a range of educational and disciplinary options, but scarce resources and other obstacles often make these options unavailable.

Confidence in knowledge of laws and policies

Since this questionnaire concerned the legal and regulatory frameworks affecting vice-principals, it was important to obtain a measure of their perceived knowledge of relevant laws and policies. When vice-principals take disciplinary measures in response to student misconduct, they may face opposition from students, parents, or even teachers and administrators. Respondents were asked to indicate the extent to which they felt confident in their knowledge of relevant laws and policies when their decisions are challenged on legal grounds. Responses ranged from Strongly Disagree (1) to Strongly Agree (5). The responses were also sorted into the categories Agreed and Did Not Agree.

Results are summarized in Table 25. Both ANOVA and chi-square tests found no significant differences among responses grouped by province.

Table 25

Respondents confident in their knowledge of laws and policies

Strongly Disagree = 1 Not Certain = 3 Strongly Agree = 5

Province	No. of Respondents	Mean Responses (Std Dev)	Agreed
NB	37	3.6 (1.0)	23 (62%)
ON	180	3.9 (0.9)	142 (79%)
AB	57	3.7 (1.1)	42 (74%)

In their comments, vice-principals expressed reasonable confidence in their knowledge of relevant laws and policies. Many respondents claimed that their decisions had never been challenged on legal grounds, although a small number reported parental threats of legal action. Others described means available to them to strengthen their knowledge. These included school district policy documents, personal legal study, professional association (such as Ontario Principals' Council) resources, and local police services. Searching students was one area where some respondents specifically mentioned a degree of uncertainty about their legal boundaries. Other vice-principals acknowledged the benefits of some periodic professional development "refreshers" on legal issues related to student discipline.

Chapter 5: DISCUSSION, CONCLUSIONS, RECOMMENDATIONS

This chapter contains a discussion of the study findings, conclusions from the study, recommendations for policy and practice, and implications for research and theory.

Discussion

In this section, I present a discussion of the study findings in light of the key concepts found in the literature reviewed in Chapter 2:

- Responsibility of high school vice-principals for school discipline
- Role tensions of high school vice-principals
- Confidence in their knowledge of relevant laws and policies
- Effects of laws and policies with respect to selected discipline issues

Throughout this discussion, I will focus on the two research questions that guided this study:

1. In what ways do existing legal and regulatory frameworks help or hinder high school vice-principals in carrying out their traditional responsibility for school discipline?
2. What unique perspectives do high school vice-principals have of the effects of these legal and regulatory frameworks?

In other words, the most important considerations will be the perspectives of vice-principals with respect to the various issues and how the laws and policies in question help or hinder them in fulfilling their responsibilities for maintaining a safe and orderly learning environment in their schools.

Responsibility for school discipline

The existing literature on the vice-principalship made it clear that high school vice-principals are traditionally responsible for school discipline. The respondents in this study confirmed this finding. In all three provinces, almost all respondents reported having either major or primary responsibility for school discipline in their schools. On the questionnaire, "major" responsibility meant that they had an important role in discipline matters, but that other duties were equally or more important. "Primary" responsibility meant that the vice-principal was the person with the most direct responsibility for discipline.

School size appeared to be related to the extent of a vice-principal's responsibility for school discipline. As reported in Table 2, while almost 80% of Ontario respondents claimed to have primary responsibility for discipline, only about 40% of Alberta and New Brunswick respondents gave the same response. Instead, approximately 55% of vice-principals in each of the latter groups were more likely to indicate that they had only major responsibility for school discipline. As for school size, this could be measured by comparing full-time equivalent (FTE) student enrollment or teaching staff as reported by respondents in each province. Vice-principals in Ontario reported that their schools were larger than those in the other two provinces. Table 3 reported that FTE student enrollment at Ontario schools averaged 1046, compared to 1008 and 928 in New Brunswick and Alberta respectively. As for the number of teachers on staff, the mean FTE teaching staff in Ontario was 63 compared to 56 and 49 in New Brunswick and Alberta respectively.

These findings allow for some speculation about the issue of vice-principal autonomy in disciplinary matters. The results reported in Tables 2 and 3 suggested that, as schools became larger, principals were more likely to delegate responsibility for discipline more completely to their vice-principals. This level of responsibility may allow vice-principals to take more personal ownership for discipline decisions and may help them to carry out their duties more effectively. However, where other duties intrude on their work with student discipline, or where their authority is somehow shared or divided, some vice-principals may find it more difficult to deal effectively with discipline matters. The following section will explore the implications for vice-principals of greater autonomy in dealing with discipline issues in their schools.

Role tensions

The heavy responsibility for student discipline is related to a second topic addressed in the literature. There were reports that vice-principals experience some tensions in their role within their schools. These included external tensions between themselves and others, such as students, teachers, parents, and district superiors. Vice-principals must also deal with internal tensions and dilemmas in their role. This can occur, as Marshall (1985) found, during the socialization process by which they make the transition from classroom teacher to administrator. Internal tensions can also arise when vice-principals have multiple responsibilities, some of which may have conflicting demands and priorities.

The key relationship for vice-principals, according to the literature, is the one existing between themselves and their principals. The quality of this relationship can determine whether these role tensions are eased or worsened. This study provided some insight into their relationship with their principals. Vice-principals were asked to describe how they worked with their principals when implementing student suspensions. This topic was chosen for consideration because of the obvious potential for role tensions in such matters. On one hand, because of their responsibility for student discipline, vice-principals must often make suspension decisions. On the other hand, vice-principals have relatively limited formal or statutory authority in these matters and must therefore rely on the support of their principals.

The first aspect of the suspension issue was whether principals gave their vice-principals the explicit authority to suspend students. As shown in Table 4, over 90% of respondents in each province reported that their principals gave them this authority. Table 5 indicated that more than 70% of respondents in Ontario and over 80% in Alberta and New Brunswick were authorized to impose suspensions of more than three days without the prior approval of their principals. This occurred although, except in New Brunswick, the education legislation in each province is silent on the power of vice-principals to suspend students or the right of principals to delegate this authority to them. According to respondents, principals appeared to have a great deal of confidence in their vice-principals. They reported that the common practice followed in Ontario and Alberta high schools was that vice-principals would make the suspension decision, do all the associated paperwork, make the required communications with the student and parents, but then the official suspension letter would be signed by the principal to satisfy statutory requirements. While this last step might serve to provide a check against vice-principals exceeding their authority, according to most respondents, it did not seem to be either necessary or useful to them. Occasionally, as pointed out by this Alberta vice-principal, this requirement can cause problems:

> I am primarily responsible for disciplining students who do not follow the rules/policies we are guided by, but am not authorized to sign the letters which confirm in writing what suspension was applied. This often creates great confusion as letters are often typed with the wrong dates and/or number of days and incomplete circumstances. The principal signs these letters unaware there are errors as she was not involved in the decision to suspend.

Clearly, accurate communication of decisions to students and parents is essential for effective discipline administration. If suspension decisions are in fact made by vice-principals, then teachers, students, and parents should know this if further discussion or information are required.

The second aspect of making and implementing suspension decisions was the way in which vice-principals worked with their principals to make suspension decisions and then communicate these decisions to students and parents. Respondents were asked whether they would make the suspension decision, inform the student, and then the principal or whether they would consult with the principal before informing the student of the decision. The third response choice was that the process would always depend on the circumstances. If their normal practice was to choose the first pattern, then vice-principals would be demonstrating a great deal of autonomy and confidence in their decision-making authority.

As reported in Table 7, New Brunswick vice-principals (62%) were more likely than their colleagues in Ontario (45%) or Alberta (42%) to report the greatest degree of autonomy in these decisions by following the first pattern described above. However, in all three provinces; only 12% of respondents claimed that the second pattern was their normal practice. Clearly a minority of vice-principals reported that their normal practice was to consult with their principals before making suspension decisions. Instead, 43% and 46% of vice-principals in Ontario and Alberta respectively reported that the process followed always depended on the circumstances. These circumstances might include cases that were especially unusual or difficult or those where the potential penalties might be severe. Besides these situations, many vice-principals claimed that the administrative team in their school emphasized teamwork and frequent consultation among one another on all decision-making.

In the literature reviewed on this topic in Chapter 2, Maher's (1999) observation that vice-principals were more dependent on their principals than classroom teachers was the most striking. Let us test this observation by considering an area of decision-making that is of approximately equivalent importance for classroom teachers—assignment of final course marks to students. It is certainly the normal practice of teachers to make final course mark decisions on their own and communicate them to their students and parents, without prior consultation with their principals except in special circumstances. Indeed, the types of circumstances cited by vice-principal for suspension decisions would apply to final grade decisions. For example, a teacher might be required to consult with a guidance counsellor or administrator before awarding a failing final mark. In my experience, this was particularly true for students for whom failure in a course might prevent the student from participating in the year-end graduation ceremony. This would be a case where the potential consequences of the evaluation decision might be considered severe. Another example might be a school in which teachers and their department heads commonly consult regularly on the progress of students in their subject areas. In these cases, the emphasis on teamwork among teachers might lead to shared decision-making in the awarding of final grades. This would be equivalent to the teamwork practised among school administrators in making disciplinary decisions.

The discussion in the preceding paragraph suggests that there are some parallels between classroom teachers and vice-principals. Members of each group are required to cooperate with and, in some cases, submit to the wishes of their superiors. Neither teachers nor vice-principals have complete autonomy in their work or decision-making. The issue for each group is whether the involvement of others in their work is considered helpful and supportive or unwelcome and intrusive. From personal experience, teachers would often resent administrative involvement in their grading decisions, unless they sought out advice themselves. A teacher who has been marking student work throughout a course would not welcome a unilateral decision by an administrator to change a student's final mark. In such cases, teachers would claim that they have a better knowledge of all relevant circumstances and data to support their decision. Similarly, a vice-principal who has thoroughly investigated a student's conduct and considered all relevant circumstances would feel resentful and undermined by a principal's refusal to support a suspension decision.

The literature painted a picture of vice-principals being burdened by the conflicting demands of everyone from students to superintendents. As described by Hartzell's (1993) concept of first and second level leaders, vice-principals need to be successful in influencing their principals to have the necessary influence with teachers and students. Hartzell's model suggested that vice-principals must have political skills to deal with their principals and the pedagogical skills to deal with students, especially in discipline matters. As observed by Myers (1994), vice-principals can be hindered by being required to check with their superiors before making any final decisions.

In contrast to the portrait presented in the literature, I believe that the vice-principals in this study generally described their interactions with their principals as supportive and trusting. When making suspension decisions, vice-principals claimed, it was normally their choice and preference to seek input from their principals. Similarly, Lee (2003), discussing her experiences as a former vice-principal, described how it was her choice to discuss discipline consequences with her principal and how those conversations gave her the confidence to make decisions and communicate them to parents. Very few principals referred to in this study appeared to require these consultations and few respondents said that their principals ever interfered with or overturned their suspension decisions or otherwise undermined their authority with students. Respondents expressed appreciation for the support and trust of their principals. Consider the following comments by three Ontario vice-principals:

- "My current principal has trained me and has faith in my ability to judge rationally by his effective mentoring over the year."
- "My principal leaves the decision to me, she trusts my judgement."
- "In my case the principal has complete trust in my experience and sound judgement. If I need a second view on the issue, she knows I will consult her."

These comments illustrated the belief of vice-principals in this study that their principals had faith in their judgement in discipline matters. They also suggested some factors that lead to this trust and support, including an ongoing mentoring relationship, years of experience, and prior evidence of sound judgement. As a result, these vice-principals could make suspension decisions and communicate them to students and parents in full confidence that these decisions would be supported by their principals.

The discussion in this section addressed the potential role tensions experienced by high school vice-principals. While they may have to deal with conflicts with many school stakeholders, their relationship with their principals was most important in deciding the extent to which they experienced role conflict as school disciplinarians. According to the findings of this study, the vice-principals appeared to have good working relationships with their principals. In discipline matters, most vice-principals had earned or received the support and trust of their principals to make most suspension decisions themselves. Respondents had the option if they wished to consult with their principals or vice-principal colleagues, particularly in difficult or unusual cases. Some appreciated the teamwork practised among members of the school administrative team as a source of confidence in their decision-making. This sense of autonomy in decision-making and communication appeared to contradict much of the portrayal of vice-principals in the literature. Instead, study respondents expressed confidence in their disciplinary authority and in the support given to them by their principals.

Effects of laws and policies

This section will present a discussion of the findings from this study in light of the literature with respect to the following selected discipline issues:

- Suspensions
- Searches of students and their belongings
- Student misconduct occurring off-campus or outside school hours
- Dealing with disruptive intruders
- Assignment of teacher supervision duties
- Student attendance
- Non-suspension disciplinary options

As noted in previous sections, the purpose of this discussion is to examine whether the effects of these laws and policies generally help or hinder vice-principals in carrying out their responsibility to ensure that schools are safe and orderly places of learning.

Suspensions. Vice-principals in this study reported that they had broad discretionary authority to suspend students as needed. As mentioned above, although provincial laws in Ontario and Alberta technically required principals to make suspension decisions, the actual practice was for vice-principals to make most of these decisions themselves. Principals appeared to have a great deal of confidence in their vice-principals in such matters. As described earlier in this chapter, this finding appeared to contradict the concern in the literature that vice-principals may have difficulty exercising their professional autonomy in this area.

Respondents were also asked whether maximum suspension lengths were adequate for them to fulfill their responsibilities for school discipline. As noted in Chapter 1, there is very little literature about vice-principals. In particular, the literature appears to be silent on the opinions of vice-principals regarding suspension length. Legal literature on suspensions has addressed such matters as length, cause, and process, while pedagogical research has dealt with matters such as the negative educational effects of suspensions on students and how schools can reduce the frequency of suspensions.

This study provided an opportunity for high school vice-principals to comment on the adequacy of maximum suspension lengths in their jurisdictions. Statutory limits on suspensions are five days in Alberta and New Brunswick and 20 days in Ontario. On this topic, the majority of respondents agreed that these lengths were adequate for their responsibilities (Table 6). This agreement was strongest in Alberta (93%) and Ontario (92%), but also strong in New Brunswick (78%). However, statistical tests found significant differences among the responses, suggesting that New Brunswick vice-principals were generally less likely than their colleagues in Alberta and Ontario to find maximum suspension lengths adequate for their needs. This difference in New Brunswick responses appeared to be related to concerns about district office involvement and the appeals process rather than the statutory limit of five days. In all three provinces, respondents expressed caution about imposing lengthy suspensions out of concern for the overall welfare of students. The whole issue of suspension length, considered in terms of disciplinary effectiveness and educational effect, is a matter that requires further study. However, the findings of this study suggested that suspension length itself and legal or regulatory limitations on their length were not significant obstacles for vice-principals in administering school discipline.

As reported in the literature review in Chapter 2, the subject of mandatory suspension or “zero tolerance” policies has been the subject of much debate. Such policies have become very common and have significant popular appeal for their apparent simplicity, clarity, and effectiveness. They have also been criticized as ineffective, unnecessary, and unfair. Respondents in this study were asked whether mandatory suspension policies were helpful to them in their disciplinary role. As reported in Table 8, support for such policies was strongest among Ontario vice-principals, where 87% of respondents agreed that these policies were helpful, and weakest among Alberta vice-principals, with only 53% agreement. Among New Brunswick participants, 69%

expressed agreement. Those expressing support for such policies gave the following reasons: simplified explanations to parents and students, clarity of expectations for students, and allowance for flexibility and discretion when necessary. Vice-principals, especially those in Alberta, expressing opposition to mandatory suspension policies gave these reasons: removal of right and duty to exercise professional judgement, inability to consider mitigating circumstances, and ineffectiveness for certain students or situations.

Ontario respondents were most familiar with mandatory suspension policies since they had been recently legislated by the provincial government through the Safe Schools Act (2000). Section 306(1) of the Education Act (1990) now requires that students who commit the following offences at school or during a school-related activity be suspended for a minimum of one school day:

1. Uttering a threat to inflict serious bodily harm on another person.
2. Possessing alcohol or illegal drugs.
3. Being under the influence of alcohol.
4. Swearing at a teacher or at another person in a position of authority.
5. Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school.
6. Engaging in another activity that, under a policy of the board, is one for which a suspension is mandatory.

Besides listing offences for which suspensions are mandatory, the Education Act also allows for regulations to prescribe conditions under which suspensions would not be mandatory. Ontario Regulation 106/01 lists three such circumstances:

1. Students are unable to control their behaviour.
2. Students are unable to understand the consequences of their behaviour.
3. The presence of the students in the school does not constitute an unacceptable risk to the safety or well-being of any person.

The Ontario responses in this study provided support for Lipsett's (1999) prediction that school administrators would favour mandatory suspension policies even if they meant a reduced amount discretion in their decision-making, provided that they were allowed to exercise some flexibility in matters such as suspension length. The mitigating circumstances provided in Ontario regulations appear to satisfy Gagliardi's (2001) opinion that school administrators need reasonable flexibility when applying zero tolerance policies to make judgements about safety in their schools. While the first two conditions appear to address students with exceptionalities or special needs, the third condition also allows vice-principals to use alternative consequences if appropriate and perhaps more effective for some students or situations.

Popular sentiment aside, there appeared to be a key dilemma for professional educators such as vice-principals on the issue of zero tolerance policies. Like any classroom teacher, vice-principals must respond to any school issue by balancing the collective needs and rights of all students with the needs and rights of individual students involved in a given situation. High school students are more likely to understand a clear connection between behaviour and consequence as expressed by pure zero tolerance policies. The situation is similar to that of a classroom teacher teaching a lesson on verb conjugation in a second language. In teaching such a lesson, a teacher would begin with the normal verb patterns and emphasize these before dealing with the various exceptions and irregular verbs. Otherwise, students would become confused and frustrated. It is easier for students to understand, for example, that getting into a fight at school will lead to suspension. As students see that this behaviour by their peers leads to suspensions, then they will be deterred from such behaviour or at least not surprised when they too get suspended for getting into a fight. This is particularly true for those whose cognitive and moral reasoning levels as portrayed by classic scholars such as Piaget and Kohlberg are in the concrete operational or "law and order" stages. Such students might not appreciate the subtleties of mitigating circumstances such as those described in the Ontario regulations cited above. For that reason, Ontario vice-principals reported that it was much easier for them to explain suspensions to students and parents by simply referring to the mandatory requirements of provincial laws and district policies.

On the other hand, simplicity and clarity must not be confused with simple-mindedness or mindlessness. Students and parents expect educators to deal with individual needs and rights, particularly in important cases such as suspension decisions. As many respondents pointed out, they are paid to make educated professional judgements. In particular, vice-principals need to ensure that students understand such things as the effects of their behaviour on others, the reasons for the sanctions applied, and, perhaps most important, how to preserve their relationship with others in the school by making amends as appropriate. To return to the classroom teacher analogy, the situation is not unlike the situation of a student submitting poor quality work. While a teacher may need to assign a poor or failing mark to a particular test or assignment, the teacher will also show the student what needs to be done differently to earn improved marks or to achieve better learning outcomes. The teacher will also emphasize that marks earned are based on performance, and are not a measure of a student's worth or potential. Similarly, discipline decisions are based on actual behaviour exhibited in specific circumstances. Vice-principals will attempt to show students how to improve their behaviour to achieve better outcomes for all concerned.

The responses and comments of vice-principals provided several suggestions for effective legal and regulatory frameworks governing student suspensions. The authority of vice-principals to make and communicate suspension decisions should be clear to students, parents, teachers, and vice-principals themselves. Maximum suspension lengths of five days appeared to be normally adequate, although there must be provision for lengthier suspensions with appropriate safeguards and input from all concerned parties. Mandatory suspension policies, with adequate flexibility for appropriate exercise of professional judgement, may provide the clarity and certainty needed and appreciated by teachers, students, parents, and administrators for certain types of serious misconduct.

Searches. Study respondents were asked about their authority to search students and their belongings as part of their duties. In particular, they were asked whether it was important to have this authority and whether their authority was adequate. As reported in Tables 11 and 12, vice-principals in all three provinces expressed a high level of agreement with both statements. Among all respondents, 87% believed that this authority was important and 90% claimed that it was adequate. There were no statistically significant differences among the responses from each province nor between the responses to each question. The reason that search authority does not appear to differ among the three provinces is likely that this is matter of federal rather than provincial law. The legal authority to search students is governed by federal criminal law and by constitutional legal principles. The fact that vice-principals gave similar answers to both questions (importance and adequacy) suggested that they believed that the adequacy of their authority matched its importance to their responsibilities.

As reported in Chapter 2, the prevailing legal position in Canada on the authority of school officials to search students was provided by the Supreme Court of Canada in 1998 in its decision in R. v. M.(M.R.). That case arose from a search conducted by a Nova Scotia vice-principal in which the student was found in possession of drugs at a school dance. This decision set out the following principles, among others, concerning searches of students conducted by school officials:

- Students have a diminished expectation of privacy at school.
- Reasonableness of a school search must be determined by all surrounding circumstances.
- The search must be carried out in a reasonable manner. That is, it must be conducted in a sensitive manner and be minimally intrusive.
- Teachers and administrators must be able to respond quickly and effectively to problems that arise in their schools.

An important part of the court decision hinged on the role of the RCMP officer who was present during the search. The net result of the Supreme Court decision was that vice-principals were granted more power than the police to search students at school, provided that the search is conducted at their initiative and to administer school rules.

The written comments of vice-principals suggested that many were aware of their authority to search students. Several respondents, citing court rulings or relevant laws and policies, claimed to have the right to search students and their belongings with only reasonable suspicion. They appeared to know that they had more authority than police officers to search students at school. This understanding has been reinforced by school lawyers, Crown attorneys, and police officers at recent Canadian conferences for school administrators (e.g., Davies, 2003).

Respondents also indicated that they were very careful about the process and scope of their searches. The most common precaution reported was to ensure that another adult witness was present for any searches, typically their principal, another vice-principal, or another school staff member. They also claimed that they would carefully limit the scope of their searches to student lockers or their belongings. For example, instead of touching students, they would ask students to empty their pockets or backpacks. If students refused to cooperate with searches or if more intrusive searches were required, vice-principals would promptly ask the local police to conduct the search. Students could also be suspended for opposition to authority if they failed to cooperate with these requests.

Vice-principals in this study made another important comment about student searches. They claimed that, while searches did not occur frequently, it was a necessary part of their authority so that they could fulfill their duty to maintain school safety. The main reason for searches was to prevent problems associated with drugs, weapons, and stolen property. In a study following the 1985 T.L.O. decision from the U.S. Supreme Court, Stefkovich (1992) found that New Jersey school administrators were still hesitant to conduct searches and that there were few written policy changes attributable to the court decision. This finding suggested that school policies and practices in this area were largely in accord with the law both before and after the court ruling.

These comments suggested that the events that occurred in the infamous Kingsville, Ontario incident were clearly anomalous. Dickinson (2002) and Mitchell

(1999) reported on an unfortunate incident that occurred in a high school in late 1998, ironically not long after the release of the Supreme Court of Canada's M.(M.R.) decision. This case illustrated the fact that school administrators can exceed their search authority. Here, a vice-principal with the assistance of a physical education teacher conducted an invasive strip search of 16 male students to locate $90.00 allegedly stolen by one or more of these students. Dickinson reported that the teacher, vice-principal, and principal were each disciplined by their school board for their respective roles in this case.

The data provided by the respondents in this study have clearly suggested that their authority to search students is adequate for their needs. Vice-principals appear to consider this authority important for them to do their job, but it is not a frequent or regular event. The Kingsville incident, while showing that excesses can and do occur, also illustrated that vice-principals who exceed their authority will be held accountable. The safeguards and precautions described by respondents to this study provided evidence that unwarranted exercise of their search authority by vice-principals would be rare. The evidence from this study suggests that vice-principals exercise their search authority carefully with respect to purpose, scope, process, and frequency.

Misconduct off-campus or outside school hours. Student misconduct does not always occur on school property or during regular school hours. Cases arise where vice-principals may need to take action in response to misconduct by students occurring off school property or outside school hours. Respondents were given five situations and asked whether they should have disciplinary authority in each:

- A student is in a fight off school property during school hours.
- A student harasses another student on the way to or from school.
- A student harasses a teacher in a public area off school property.
- A student commits a serious criminal offence against another student.
- All cases of student misconduct having a negative effect on the school.

Tables 13 and 14 provide a summary of the respondent comments on the topic of student misconduct occurring off school property or outside school hours. There were few interprovincial differences in these responses. In general, vice-principals were most likely to agree that they should have disciplinary authority in the first three cases, which were more specific and more clearly linked to the school. There was less agreement with respect to the last two cases, which were more general statements and described situations less clearly linked to the school.

The written comments of respondents provided the following opinions on this topic as explanations for the responses to the given statements:

- They should have authority to act where the misconduct can be clearly connected to the school.
- They want to act in the given situations to protect school climate.
- Many expressed concern about extending their authority beyond school hours or school property.

There was an emphasis throughout the comments of respondents that they would take disciplinary action in such cases to protect students and staff at the school. It was important that there be some clear link between the alleged misconduct and the school. While some respondents alluded to some restrictions or difficulties in dealing with this type of misconduct, most reported that they had the authority they needed to take action in such cases. Indeed, there were many who expressed a desire not to be involved in behaviour occurring away from the school setting. For example, this comment by an Ontario vice-principal was a typical expression of this concern: "Difficult to measure negative effect; job is already way too large and this is adding a 24-7 approach—No thanks!" These vice-principals were busy enough that they did not want to increase their responsibilities unnecessarily.

As noted above, respondents in all three provinces appeared to express similar opinions with respect to the five scenarios given. However, there was one interesting exception that deserves some attention. While there were no statistically significant differences among the responses for four of the five scenarios, vice-principals appeared to differ somewhat with respect to the scenario of a teacher being harassed by a student in public. Consider again the results reported in Table 14. In this case, while 94% and 89% of New Brunswick and Alberta vice-principals respectively agreed that they should have disciplinary authority in such a scenario, only 78% of Ontario vice-principals expressed similar agreement. By comparison, on the question of a student being harassed on the way to or from school, 86% of New Brunswick and Alberta respondents and 90% of Ontario respondents agreed that they should have disciplinary authority. In contrast to their colleagues in the other provinces, Ontario vice-principals were less likely to assert their disciplinary authority when teachers were harassed off school property compared to instances when students were similarly harassed.

Examination of the written comments by Ontario vice-principals provided very little explanation for this striking difference in opinion. Those Ontario respondents who commented on this scenario stated merely that such incidents should be dealt with by police. The only comment that provided some explanation came from an Alberta vice-principal who held the same opinion: "I disagreed with the 'harasses' a teacher because the teacher as an adult has many options available to him/her to deal with the incident." As a former teacher, I would view the failure of a vice-principal to discipline a student who harassed me or a colleague as an act of professional disloyalty. Furthermore, case law and provincial codes of ethics for teachers have consistently provided that teachers can be disciplined for their misconduct off school property, particularly in relation to their students. As some have often expressed it: "A teacher is always a teacher." Therefore, in cases where a student harasses a teacher off school property and the harassment is related to the teacher's professional role, then the teacher is entitled to the appropriate support and response by school administration.

Recall the comment of Ingersoll (2003) cited in Chapter 1 about the critical importance to teachers of being supported in student discipline matters by school administrators. A tempting explanation for some Ontario vice-principals expressing a different opinion from their colleagues in Alberta and New Brunswick is related to the issue of role tensions discussed earlier in this chapter. Marshall's (1985) conceptualization of the socialization process of novice vice-principals described how they had to change their thinking, allegiances, and priorities from the culture of the classroom teacher group to those of the school administrative team. Consider also the different legal status of vice-principals in Ontario who, since 1998, no longer belong to the provincial teachers' federations. While the effects described by Marshall apply to vice-principals in all three provinces, the legal situation in Ontario simply formalizes the differences between teachers and vice-principals in that province. Perhaps the responses of Ontario vice-principals show that this change in allegiance has begun to occur. While the responses to this question provided little direct evidence to support such a statement, this topic will be explored further in the discussion of teacher supervision duties and collective agreements.

Disruptive intruders. Part of the responsibility of vice-principals to keep their schools safe and orderly requires them to deal with disruptive intruders. As with the issue of search authority, respondents were asked whether it was important for them to have the authority to exclude disruptive intruders from school property and whether their authority was adequate for their job responsibilities. As reported in Table 15, vice-principals in all three provinces strongly agreed that it was important to have this authority and, to a lesser extent, that their authority in this issue was adequate. Their responses to both questions did not differ significantly along provincial lines, but there was a significant difference between their answers to the two questions. This difference suggested that vice-principals require increased authority to deal effectively with disruptive intruders.

We can obtain some insight into their reasons for these responses from their written comments on this subject. Respondents identified the following key issues:

- The nature and scope of the problem of disruptive intruders.
- The critical importance of the support of local police.
- The effectiveness of provisions and practices related to trespass laws.

Disruptive intruders, as described by respondents, included former students, non-student adults, students from other schools, and even some parents. Vice-principals cited serious problems caused by these persons, particularly those related to fights and drugs. School officials by virtue of their in loco parentis role have an important duty of care towards all students while at school, and this would clearly include protection from external threats to their safety during the school day. Vice-principals must also be able to take action to ensure that the school is protected from disturbances that, while not safety threats, interfere with an orderly learning environment.

Education and trespass laws in all three provinces do prohibit trespassing or causing disturbances on school property. However, having the authority on paper is not sufficient. Vice-principals must have the effective means to remove unwelcome persons from school property and to deter them from returning or entering in the first place. Additionally, as reported by some respondents, undesirable persons may loiter close to school property, but just off school property, and continue to cause problems for staff and students at school. Measures available to vice-principals when intruders refused to leave on request included contacting local police, issuing trespass notices, and laying charges under the appropriate trespass or school legislation. Prompt police response was often cited as absolutely necessary for vice-principals to deal with intruders who would refuse to leave or who would repeatedly return to school property. Full-time school-based resource officers were described as particularly useful in such cases. While police support was satisfactory to most vice-principals, the processes associated with issuing notices and laying charges were often described as cumbersome, time-consuming, and minimally effective. Clearly, this type of demand on scarce school resources favours the intruders who really have responsibilities to nobody but themselves.

There is no question that vice-principals must have all necessary authority to protect the safety of all persons in the school community from those not authorized to be on or near school property. Vice-principals should owe only minimal due process to order the removal of those who enter school property without authorization and cause disturbances to the safety and order of the school environment. Laws about access to school premises and their vicinity—and the processes for their implementation—must be clear, unequivocal, and effective so that school officials are not required to devote unnecessary resources to their enforcement. School officials, police, prosecutors, and courts must work together to deal firmly, efficiently, and effectively with disruptive intruders on school property.

Assignment of teacher supervision duties. Teachers can prevent student misconduct during unstructured parts of the school day by their visible presence in areas such as hallways, cafeterias, bus loading zones, and other areas other than regular classrooms where students congregate. Vice-principals can promote a safe and orderly school climate by assigning teachers to provide supervision in these areas as part of their regular duties. Teacher supervision in these areas was identified by a recent American study on the prevention of school bullying (Harris, Price, & Willoughby, 2002).

Respondents in this study were asked whether it was important for them to have the authority to assign such duties to teachers and whether their authority in this area was adequate for their job responsibilities. Table 16 provides a summary of their responses to these two questions. There were some statistically significant differences among the responses to these questions. The most striking difference was observed in responses of Ontario vice-principals. While 96% of these respondents agreed that it was important to have this authority, only 64% agreed that their authority was adequate. To a lesser extent, New Brunswick respondents appeared to express similar concerns (92% vs. 78%). By contrast, 88% of their Alberta colleagues agreed with both statements.

To gain some understanding of the importance of this issue and the reasons for these different responses, let us consider the written comments of the respondents. On this topic, vice-principals provided the following observations:

- Visible teacher presence enhances school safety and student discipline.
- School administrators shoulder responsibility for supervision needs not covered by teachers.
- Many respondents described supervision as an accepted practice or a professional

> expectation that most of their teachers were willing to do.

The first statement supports the finding cited above (Harris, Price, & Willoughby, 2002). It is a well-known principle of tort law that the presence of teacher supervision during school activities is an important consideration in determining liability and in awarding damages. The second statement describes the reality of vice-principals and other school administrators who are normally responsible for filling gaps and dealing with unscheduled matters of various sorts that occur during the school day. The third statement addresses the issue that appeared to be the source of the difference in responses from Ontario and New Brunswick respondents. According to most respondents, teachers were generally willing to provide supervision when needed and assigned as a regular part of their professional duties.

However, some Ontario vice-principals in particular observed that this type of goodwill and cooperation had diminished in recent years in favour of strict observance of the provisions of teacher-employer collective agreements. Similarly, Johnson and Duffett (2003a) found that American superintendents and principals expressed concern about very confining work rules enforced by teacher unions through their collective agreements. As one Ontario vice-principal commented:

> The assignment of supervision duties is limited during any given week by the contract. I must pick up the slack if teachers refuse to monitor hallways and cafeteria sufficiently to discourage inappropriate behaviour which ultimately impacts upon my time to deal with the number of discipline problems.

Collective agreements were cited by respondents in my study as a major or at least potential obstacle in assigning adequate teacher supervision within their schools.

More disturbing to the participants in Johnson and Duffett's (2003a) focus groups were the efforts of aggressive teacher union leaders to undermine the relationships between teachers and principals. Some Ontario vice-principals in my study complained that, even in cases where teachers in their school were willing to cooperate with them and provide voluntary supervision, these plans were vetoed by teacher federation leaders.

For example, one Ontario vice-principal commented:

> It doesn't allow wiggle room to go on the needs of the school. For example, before this last contract we could maintain a time out room every period, now with reduced supervision, it is not possible. The teachers even volunteered as they saw the value but Federation said no.

In fairness to teachers, two Ontario vice-principals made these observations:

- We have a good staff but the bitterness towards the changes in workload in Ontario have made most teachers unwilling to take on the supervision role that was once an expected part of the job.
- It depends on the size of the school and the location. i.e. Inner city, large school, large staff—can see the need for increased supervision. This is best met by the addition of more staff, not by adding more duties to the existing complement. (Emphasis in original)

The comments of these two respondents suggested that they understood the reasons for the diminishing willingness of teachers to take on increased duties.

Collective bargaining is an inherently adversarial process, and teacher-employer collective bargaining is no exception. In public education, these agreements are normally reached through negotiation between representatives of the teachers on one side and representatives of the employer on the other side. An obvious weakness in this system is that school administrators (i.e., principals and vice-principals) are often uninvolved in—or excluded from—the process. As reported in Table 17, vice-principals in all three provinces were not generally actively involved in the bargaining activities of the local teachers' bargaining unit. This was true even in Alberta and New Brunswick where vice-principals continue to be members of the teachers' association. In Ontario, where principals and vice-principals were excluded from the Ontario Teachers' Federation by the provincial government in 1997, respondents did not report much involvement on either side of the bargaining table. As a result, vice-principals in Ontario must rely on district level administrators to represent their concerns in negotiations. As reported clearly by respondents in this study, the very rigid provisions for the assignment of teacher supervision duties appeared to be drafted to suit the requests or demands of teacher representatives without regard for the school administrators charged with their implementation. Ontario vice-principals expressed concern that it was becoming more difficult to provide adequate supervision to ensure school safety.

Student attendance. Part of the responsibility of vice-principals is dealing with students with attendance problems. Respondents were asked to indicate the extent to which they agreed with the following statements:

- Dealing with attendance occupies a significant amount of time.
- Their authority provides an adequate range of options for persistently absent students of compulsory school age.
- Their authority provides an adequate range of options for persistently absent students beyond compulsory school age.

The responses to each statement are summarized and presented in Tables 18, 19, and 20 respectively.

The literature was silent on the amount of time spent by high school vice-principals dealing with student attendance problems. Respondents in this study expressed strong agreement that these problems occupied a significant amount of their time. Over 90% of vice-principals in each province expressed agreement with that statement. The absence of any statistically significant differences for that item suggested that the incidence of student attendance problems, and the responsibility of vice-principals to deal with them, does not vary greatly from province to province. This result also corresponds to the findings of a report by the OECD concerning student engagement in schools (Willms, 2003). That study found that truancy rates among Canadian teenagers were among the highest in the world. Willms suggested that there existed a significant cluster of secondary school students in Canada, and worldwide, who were disaffected from school even though they had relatively strong literacy skills. He claimed that the OECD study findings suggested that certain school processes, including the disciplinary climate of schools and the quality of student-teacher relations, played a big role in affecting student engagement. Clearly, school attendance problems are likely symptomatic of other problems, some internal and some external to schools, and require more careful examination.

Vice-principals in this study expressed frustration with the time consumed by attendance problems and the difficulties in achieving much success from their efforts. As Keel (1998) observed, there is a direct link between attendance and discipline as part of the circle of education. According to Keel, since students have a right (and to a certain age, a duty) to attend school, this right can be curtailed or removed only by discipline processes authorized by law. Respondents in this study recognized that their problems in dealing with attendance matters were not primarily related to their authority. Instead, most comments centred on the lack of adequate resources or alternative educational programs for students with poor attendance. Respondents in New Brunswick, where school attendance is compulsory to age 18, pointed out the obvious contradiction between public policy goals of 100% student retention to graduation and zero tolerance for various forms of student misconduct. In both Ontario and Alberta, there have been proposals recently from politicians to increase the school leaving age to 17 or 18. I believe that this study provides the following lesson from high school vice-principals: If public policy-makers wish to make school attendance compulsory, there must be a concurrent commitment to provide the necessary resources and options to school administrators charged with dealing with those students for whom the standard school program does not meet their needs. If, as the OECD study suggests, over one-quarter of Canadian teenagers are significantly disaffected from school, it is clear that simply requiring them to stay in school longer with no changes to the current system will not work.

Non-suspension disciplinary options. While suspensions appear to be the most obvious discipline measure available to vice-principals for serious student misconduct, vice-principals also recognize their limitations and undesirable effects for some students. They expressed a desire to use a variety of measures and approaches to respond to student behaviour, with suspensions reserved for serious cases or as a last resort. Respondents appeared uncertain whether laws or policies at the provincial, district, and school levels allowed them enough disciplinary options, apart from suspensions. Their comments suggested the existence of both external and internal obstacles to using alternatives to suspensions.

Respondents described various reasons why they were often forced to use suspensions. Restrictions resulting from collective agreement provisions, for example, were cited by respondents, especially in Ontario, as an obstacle to using alternatives to suspension. For example, respondents reported that it was becoming difficult for them to apply sanctions such as noon hour or after school detentions and in-school suspensions. The reason was that they were unable to assign teachers to supervise these sessions because of contractual limitations on the amount of assigned supervision time. This finding supported the concerns expressed by Toth and Siemaszko (1996) on the same issue. Other vice-principals described instances where parents or students would not cooperate with alternatives such as community or school service as a means of making amends for misconduct.

However, some respondent comments suggested that there may also be some internal reasons for not considering alternatives to suspensions. A particularly important factor for respondents was lack of time. A common thread through the questionnaire responses from all three provinces was the heavy workloads of vice-principals. This would clearly affect their decision-making processes in disciplinary matters. Koru (1993) described vice-principals as always on their feet, walking around, maintaining visibility, working in reactive mode, constantly shifting gears, and engaged in frequent verbal encounters. Consider Marshall's (1985) description of busy vice-principals as "street level bureaucrats" forced to select which discipline problems to deal with seriously and which to ignore. Compare also Reed and Himmler's (1985) observation that "load on the system" was a significant factor in deciding the process used by vice-principals to remediate incidents of student misconduct. Reed and Himmler found that, on busy days, when vice-principals had many discipline and other problems to deal with at the same time, they would attempt to deal summarily with misconduct cases. Similarly, Paquette and Allison (1998) remarked that school administrators must work in "real time," characterized by fractured, fragmented professional lives. Consequently, according to Paquette and Allison, school administrators cannot subject all their decisions to the painstaking analysis of judicial workers, for example.

In such cases, it is much easier to use the same consequences for all types of misconduct rather than trying to find creative solutions custom tailored to each student. The following comment by an Ontario vice-principal illustrated this point: "I am not a 'big fan' of suspensions! Counselling, mentoring, etc takes more time but is more effective in the long run. It is more work not to suspend." (Emphasis in original). Some respondents claimed that suspension was their only disciplinary tool. Consider this comment from an Ontario vice-principal: "Suspension is really the only 'club' I hold over the students re discipline, without suspension I do not believe I could fulfill my level of responsibility." When lesser or intermediate sanctions such as detentions or in-school suspensions are not available, vice-principals can find themselves in a difficult situation when responding to student misconduct. A colleague of mine, a former vice-principal and now principal, used to tell our staff that he often felt that his only disciplinary options were "a tissue and a sledgehammer." Vice-principals will attempt to save the "sledgehammer" (suspension) for the most serious cases, but can only use the "tissue" (talking, counselling, persuasion) so many times before it loses its effectiveness. Indeed, even suspensions can lose their effectiveness for some students if vice-principals use them too frequently or too early in the intervention cycle with students. For this reason, it is important to develop an adequate range of disciplinary options and for the full range to be considered by vice-principals to respond to student misconduct.

The support for mandatory suspensions expressed by Ontario vice-principals was often articulated in terms of how these policies helped them to make decisions more easily and efficiently. This was supported by Hawkins (1998) who listed some advantages of the use of precedent in legal and administrative decision-making. His list included ready access to a repertoire of accustomed ways of handling decisions, a device to make the task of decision-making quicker and easier, and a refuge when the exercise of discretion was questioned.

The findings of this study suggest that vice-principals face obstacles to the use of alternatives to suspension. Whether these obstacles come from internal or external sources, clearly the complexity of dealing with students and their behaviour requires vice-principals to have access to a variety of tools. These tools need to be readily available so that they can be included in their regular repertoire of interventions. While laws and policies themselves cannot deal with resource shortages, they can provide permission, legitimation, and encouragement for the use of a range of disciplinary options to deal with student misconduct.

Confidence in knowledge of laws and policies

The literature indicated that vice-principals, perhaps even more than principals, are heavily involved in legal issues when dealing with student discipline. It also suggested that vice-principals, like many teachers, often express a lack of confidence in their knowledge of relevant laws and policies. American commentators, in particular, have painted a picture of school administrators constantly intimidated by threats of lawsuits by disgruntled students and parents so that they were afraid of imposing disciplinary sanctions (e.g., Rockoff, 2003). Similarly, recent Canadian studies suggested that many educators have a low level of confidence in their knowledge of legal issues concerning children and schools (e.g., Leschied, Dickinson, & Lewis, 2000; Peters & Montgomerie, 1998; Zuker, 1988).

The results of this study appear to contradict some aspects of that literature. In this study, respondents expressed a high level of confidence in their legal knowledge. Respondents were asked whether they felt confident in their knowledge of relevant laws and policies when their disciplinary decisions were challenged. As reported in Table 25, a majority of vice-principals in each province expressed agreement with that statement (NB 62%, ON 79%, AB 74%). Statistical tests showed no significant differences among the responses along provincial lines. These responses suggested a reasonable, but not overwhelming, confidence in their legal knowledge. Consider these comments:

- "This is my 5th year as VP and I now feel relatively confident of my decisions in a legal context. However, more training and specific direction is needed in this area." (Emphasis in original) (Ontario vice-principal)
- "I should probably take a refresher course on school law in regard to ensuring that our practices are in compliance with current statutes. No one has challenged my decisions or practices so they can't be too far out of line." (Alberta vice-principal)
- "Ignorance is bliss—just kidding. The practice and policy particularly at the provincial level are in need of repair but as a designate of the principal and with good judgement and good luck no challenges in 5 years." (Alberta vice-principal)

These comments suggested that this confidence was somewhat qualified by the fact that respondents really had not faced many serious legal challenges to their decisions.

A cautionary message needs to be given about the legal knowledge of the respondents in this study. An early question in this study asked vice-principals whether provincial law gave them the explicit authority to suspend students. As reported in Table 4, the proportions of respondents answering Yes were 72%, 48%, and 40% in New Brunswick, Ontario, and Alberta respectively. From these responses, it appeared that these vice-principals might have been somewhat misinformed about their legal authority to suspend students. In fact, only the New Brunswick Education Act (1997, s. 24) explicitly names vice-principals as having the power to suspend students if this authority has been delegated to them by their principals. In Ontario, however, the Education Act (1990, s. 306) grants to all teachers the authority to impose suspensions of up to one day for defined offences. Since all Ontario vice-principals are teachers, as some respondents noted, this would technically give them the authority under provincial law to impose one-day suspensions. Furthermore, Ontario respondents also commented that they would often exercise statutory authority as acting principals—including the authority to suspend students—when their principals were out of the building (R.R.O. 1990, Reg. 298, s. 12). These reasons may explain why 48% of Ontario respondents answered Yes and 47% responded No to that question. The Alberta School Act (2000, s. 24) gives suspension authority to principals and, to a very limited extent, to classroom teachers. Alberta vice-principals are certainly not explicitly given any such authority since there is no mention of them in the School Act. Nevertheless, a large proportion (40%) of Alberta respondents claimed to have this authority under provincial law.

Respondents offered some comments on the legal literacy of educators. As reported in Chapter 2, school administrators need to develop and maintain their level of knowledge and understanding of legal matters relevant to their work (e.g., Roher & Freel, 2003). Vice-principals in this study described the following means available to them to acquire needed information: school district policy documents, personal legal study, professional association resources, and local police services. In Ontario, for example, principals and vice-principals formed the Ontario Principals' Council (OPC) in 1998 following their removal from the Ontario Teachers' Federation. OPC provides legal information to its members through regular workshops, publications, research projects, and telephone access to staff officers in serious cases. The following comment was made by an Ontario respondent:

> Although I have not been personally challenged legally, I feel that I would have access to the necessary supports at the board level. I feel that the laws have changed often lately and that is difficult to be up on everything for which we are responsible. Courses are needed at times when we can focus our attention fully on the task. In addition, our provincial organization OPC, the Ontario Principals' Council, has excellent legal services, should we need legal support/advice. OPC offers a legal issues workshop updated yearly.

Similar services are available to vice-principals through the provincial teachers' associations in New Brunswick and Alberta. Sometimes vice-principals have learned through experience, as this Alberta vice-principal commented: "Through lots of personal study, experience, mentoring from others, and interaction with legal system (visits from probation officers, RCMP; testifying in trespassing charges; dealing with Freedom of Information and Privacy Protection Act, etc.)." One New Brunswick vice-principal suggested in this comment that the problem of legal literacy may not always exist at the school level: "When my decisions are challenged, it is not my knowledge of the relevant laws but the knee-jerk reaction of district personnel that a lawyer is involved."

Many vice-principals commented that their decisions had never been challenged on legal grounds, although a small number reported parental threats of legal action. As one Ontario respondent commented: "Everyone is or has a lawyer these days! 'You didn't mean me!'" (Emphasis in original). This represented, however, only a small minority of respondents. The lack of legal challenges appeared to be the basis for the confidence expressed by respondents. One might question why so few vice-principals have experienced legal challenges to their decisions. The following comment from an Ontario vice-principal provided an interesting observation:

> I have never experienced a challenge in court on my decisions or board level. I work closely with my principal, superintendent if the decision will reflect back on them. This may be a reflection of our school (all exceptional students) [and] our parents who lack advocates and decisions are not challenged.

This respondent's suggestion that her students and parents lacked advocates to challenge school decisions might raise red flags for those concerned about equitable treatment of students in schools.

Conclusions

This study was guided by two primary research questions:

1. In what ways do existing legal and regulatory frameworks help or hinder high school vice-principals in carrying out their traditional responsibility for school discipline?

2. What unique perspectives do high school vice-principals have of the effects of these legal and regulatory frameworks?

The legal and regulatory frameworks addressed in this study were federal and provincial laws, school and school district policies, and teacher-employer collective agreements. Vice-principals in three provinces were asked to describe their perspectives on how these regulatory structures affected selected elements of their administration of school discipline. In their responses to questionnaire items, respondents provided valuable insight into the way laws and policies affect their daily efforts to maintain a safe and orderly learning environment in their schools.

Respondents identified the following ways in which legal and regulatory structures generally helped them in carrying out their responsibility for school discipline:

- Support from their principals
- Suspension authority
- Search authority
- Local police support
- Confidence in knowledge of relevant laws and policies

Consistent with findings from the literature, vice-principals in this study emphasized the importance of a supportive working relationship with their principals. Respondents reported that their principals gave them considerable autonomy in making discipline decisions, while providing advice and support when necessary. They also reported that, where suspensions were necessary, their authority to impose them was generally adequate. In addition, they claimed to have sufficient authority to conduct searches of students and their belongings particularly to respond to problems in the school caused by weapons, drugs, alcohol, and stolen goods. Vice-principals, with a few exceptions, expressed appreciation for local police support, especially in matters related to searches and intruders. In general, respondents expressed confidence in their knowledge of relevant laws and policies, making them better able to respond to complaints and challenges to their discipline decisions from students and parents.

By contrast, the following items were identified as obstacles to their ability to achieve satisfactory results in dealing with student discipline:

- Lack of district level support.
- Teacher-employer collective agreement provisions.
- Lack of resources (time, support personnel, programs).
- Lack of disciplinary alternatives to suspensions.

While vice-principals expressed satisfaction with the support of their principals and provincial laws related to student discipline, there were concerns with the lack of support from school district officials. Some respondents, particularly in New Brunswick, complained about limits on suspensions, excessive documentation required, overturned suspensions on appeal, and lack of adequate district responses in very serious cases. Vice-principals in Ontario, and to much lesser extent in New Brunswick, were particularly concerned about limits in teacher-employer collective agreements on their ability to assign teacher supervision during the school day. They claimed that such supervision was necessary to ensure school safety and to prevent discipline problems. Another common complaint from respondents was the lack of resources to work in a supportive and proactive way with troubled students. They pointed to cuts in administrative time, support personnel, and alternative educational programs as significant impediments to their efforts. They were particularly concerned about the lack of effective alternatives to suspending students from school. Options such as community service, in-school suspension, or alternative educational settings were often unavailable because of lack of support from parents, restrictions in collective agreements, or shortages of spaces and programs.

Recommendations and implications

The vice-principals in this study provided valuable information on the effects of the various laws and policies that regulate their work with student discipline. Their responses were based on their intimate knowledge of, and commitment to, the needs of their students, teachers, and schools. In this section, I offer the following recommendations and implications based on the findings of this study:

- Recommendations for policy and practice
- Implications for research and theory

Recommendations for policy and practice

The following recommendations are offered to strengthen and support them in carrying out their responsibilities for maintaining a safe and orderly learning environment in their schools.

1. The authority of vice-principals to suspend students should be explicitly recognized in appropriate laws and policies.
2. Schools should recruit local police officers to work with students and staff on a regular basis.
3. Teacher-employer collective bargaining should provide for input from school administrators, including vice-principals.
4. Vice-principals should have the flexibility to assign supervision duties to teachers during the school day to meet the educational and security needs of the school.
5. Alternatives to suspensions should be recognized and supported by laws and policies.
6. Adequate resources should be provided to vice-principals to meet their responsibilities.

Each of these recommendations is explained briefly below.

Suspension authority. In New Brunswick, the Education Act (1997, s. 24) allows a principal to delegate suspension authority to a vice-principal. In the other provinces, only principals have statutory authority to suspend students. However, as this study clearly showed, it is widespread practice for vice-principals to exercise this authority with the full support of their principals. Many respondents reported that their principals simply signed the official suspension letters to comply with the law. While this arrangement was normally satisfactory, some vice-principals described errors, delays, and other problems with it. Allowing principals to delegate this responsibility to their vice-principals would preserve principals' right to keep this authority for themselves if they wished to do so. However, it would also ease communication with students, parents, and teachers by making it clear who makes suspension decisions if vice-principals were authorized to do so. The New Brunswick provision allowing principals to delegate suspension authority to their vice-principals should be adopted in the other provinces and recognized in school district policies as appropriate.

Local police support. Respondents in all three provinces described the importance of local police support. This was particularly true with respect to student searches and disruptive intruders. Police officers can provide vice-principals with current legal information to better deal with challenges to their authority. In some high schools, especially in larger communities, local police officers are assigned to work full-time with staff and students. In other places, local police officers work closely with school officials and student on matters of joint concern. These initiatives can build trust, rapport, and better cooperation and communication among all parties. This can lead to safer schools by preventing internal or external problems or reducing their negative effects.

Involvement in collective bargaining. Collective agreements between teacher bargaining units and school districts are normally negotiated by teams of teachers and district administrators. As reported by vice-principals in this study, school administrators have little active involvement in the collective bargaining process. This is especially true for Ontario vice-principals since they are no longer members of the local teachers' bargaining unit. But even in Alberta and New Brunswick, where vice-principals are still members of the teachers' unit, respondents reported little active involvement in the negotiations. However, principals and vice-principals must implement these collective agreements in their schools. The result is that collective agreements may contain provisions that inhibit their ability to fulfill their responsibilities, particularly for school discipline. Principals and vice-principals should ensure that their input is provided to the appropriate parties in the collective bargaining process. These parties should also respect their concerns and consider them in the formulation of contract provisions.

Flexibility in supervision duties. Respondents in Ontario and New Brunswick described some difficulties in meeting their responsibility for ensuring adequate supervision of their schools. These difficulties resulted from restrictions in collective agreements that did not appear to allow much flexibility to meet unexpected or changing needs in their schools. Ontario vice-principals reported, for example, that teachers were entitled to as much as two weeks' notice of supervision duties. Even predictable, regular supervision needs were sometimes described as difficult to cover. For example, the New Brunswick contract provision allowing all teachers to have a 60-minute duty-free lunch would, as reported by respondents, create an impossible situation if many teachers actually exercised that right. Ontario respondents complained about being required to keep track of actual minutes of supervision performed by individual teachers to avoid complaints and grievances.

Alternatives to suspensions. Vice-principals in this study expressed a desire to employ alternatives to out-of-school suspensions as disciplinary tools. They recognized the negative educational effects for students of suspension from school. Suggested alternatives included in-school suspensions, alternative educational placements, and community service. While the first two depend on available resources, the option of having a student perform a service, such as cleaning up school areas, as restitution was restricted by other factors. Unlike suspensions, a vice-principal would need student and parent cooperation to require a student to perform community service at the school. One respondent even reported opposition from the school custodial union to having students perform clean-up duties. As a result, these alternatives appeared to be rarely used, with vice-principals resorting more frequently to suspensions. Statements in legal and policy documents supporting alternative disciplinary measures would provide encouragement to vice-principals to consider and employ creative options. Official recognition may also provide support to vice-principals when seeking cooperation from parents and students when necessary.

Adequate resources. The findings of this study have clearly shown that high school vice-principals are expected to bear major or primary responsibility for school discipline. They are expected to ensure that students and teachers can work in a safe and orderly learning environment. To do this, they must have adequate resources of time, personnel, and programs. Many respondents described their frustration at the lack of administrative time to carry out all their required duties, including classroom teaching in some cases. Others cited cuts to specialized school staff, including counsellors, psychologists, special education professionals, and even secretarial staff, as impediments to their effectiveness. For students with ongoing problems in school, including truancy and behavioural problems, vice-principals voiced regret over the shortage of educational programs to meet the needs of these students. Instead, they were often forced to suspend these students as a short-term, and temporary, response to their disruptive behaviour.

Implications for research and theory

This section offers the following implications for further research and theory to improve our understanding of the role of vice-principals and their responsibilities for school discipline:

- Job responsibilities and career implications for vice-principals
- Factors affecting the relationship between principals and vice-principals
- Factors affecting decisions on suspension length
- Implications associated with compulsory attendance
- Implications for theory

Job responsibilities and career implications. These findings addressed another issue raised in the literature about the role of vice-principals. Education writers have discussed the extent to which vice-principals—and principals too—exercise the type of instructional leadership often advocated by the effective schools discourse. For those vice-principals who seek advancement to the principalship, it can be difficult for them to gain the broad range of experience necessary if their daily job tasks are almost entirely related to student discipline. Consider Richard's (2002) description of a Boston-area vice-principal whose work day was filled with activities apparently not even remotely related to student learning or school leadership—at least not in the ideal ways described by scholars and leading educators. The findings of this study suggest that those vice-principals working in the smaller high schools in New Brunswick and Alberta might have an advantage in having other job responsibilities that are equally or more important than student discipline.

Relationship between principals and vice-principals. This study considered how principals and vice-principals work together to make suspension decisions. It also found that a positive, supportive working relationship with their principals was a critical factor in helping vice-principals to deal effectively with school discipline matters. Respondents suggested that factors such as experience, sound judgement, and regular communication contributed to this type of relationship. Further study is required to examine the relationship between principals and vice-principals to uncover and examine in more detail these and other factors affecting the nature and quality of this relationship.

Decisions on suspension length. Vice-principals in this study generally expressed satisfaction with the maximum length of suspensions allowed by laws and policies in their schools. They alluded to concerns about negative effects of lengthy suspensions and to opposition from parents and school district officials. Further research is recommended to learn more about how vice-principals decide on actual suspension lengths and the perceived effectiveness of suspensions.

Implications of compulsory attendance. While the social and economic benefits of compulsory school attendance are laudable and widely known, this study suggests that the administrative and pedagogical implications of such policies have received less attention. Further research is needed to learn how the public school system can be adjusted to better accommodate a larger proportion of the school-aged population.

Implications for theory. An intended outcome of this study has been to strengthen the understanding of the role of vice-principals. As indicated at the outset, the literature on the vice-principalship, especially in the Canadian context, was not extensive.

Apart from Catherine Marshall, Donald Reed, and Gary Hartzell, whose works have been cited in this document, very few North American education researchers have developed theoretical understandings of this key administrative role in high schools. Marshall's (1985) concept of the socialization of vice-principals into the culture of school administrators was illustrated in this study by some divergence of opinion and perspective from classroom teachers. This was most apparent in the conflicts reported over the restrictive provisions of collective agreements and their effect on the assignment of teacher supervision duties. The work of Reed and Himmler (1985) emphasized the vice-principal's responsibility for the maintenance of organization stability. This was confirmed in this study by the evidence that vice-principals bear a major or primary responsibility for student discipline. This responsibility encompasses such matters as attendance, intruders, searches, school supervision, and even misconduct occurring outside normal school hours or school property. Their work also addressed the difficulties for vice-principals in finding suitable responses to student misconduct, particularly alternatives to formal sanctions such as suspensions. Vice-principals in this study expressed similar concerns, but it appeared that many—but not all—appreciated the certainty and efficiency of mandatory suspension policies for certain offences. Hartzell's (1993) concept of vice-principals as second-level leaders was supported by the findings of this study. Respondents reported positive, mutually supportive working relationships with their principals and this allowed them to work confidently and effectively with students in making and carrying out disciplinary decisions. As Hartzell suggested, these vice-principals were able to successfully influence their principals so that they could have the necessary influence on students. As suggested earlier, further research is needed to learn more about the relationships between principals and vice-principals.

Besides the models presented in the literature by Marshall, Reed, and Hartzell, the results of this research project provide some further insight into the vice-principalship in Canadian high schools. The image emerging from the respondents in this study is one of educators whose judgement is highly regarded and trusted by others, who are committed to the establishment and maintenance of a safe and orderly learning environment for all their students, and who express confidence in their ability to work with the laws and policies that govern their work to fulfill their disciplinary responsibilities. Evidence of the trust and respect accorded to high school vice-principals in this study can be found in at least two findings. First, principals granted broad disciplinary discretion to their vice-principals, including the authority to suspend students even—in the cases of Alberta and Ontario vice-principals—beyond the strict provisions of provincial law. Most respondents appeared to be free to make suspension decisions as warranted, with the option but not the requirement to consult with their principals before informing students and parents of these decisions. Second, students and parents in all three provinces appeared to be generally unwilling to pursue legal challenges to vice-principals' disciplinary decisions as reported by study respondents. Indeed, many respondents claimed that their decisions had never been challenged on legal grounds.

The participants in this study also portrayed an image of a group of educators firmly committed to the educational welfare of all their students. These vice-principals worked to create safe and orderly schools as a necessary condition for student learning. This concern was expressed by their efforts to consider the needs of individual students and those of the school as a whole, particularly in disciplinary decision-making. Their responses to questions about matters such as search, teacher supervision, and disruptive intruders reflected their concern for the well being of the entire school. At the same time, their concerns about mandatory suspension policies and their desire for alternatives to suspensions demonstrated their commitment to respond to the needs of individual students without compromising the educational climate for all students. Similarly, the frustration expressed by many vice-principals over the lack of alternative educational programs for students with chronic attendance problems displayed the same concern for the educational welfare of these students.

A final element of the image of high school vice-principals emerging from this study was their expressed confidence in their ability to carry out their responsibilities for school discipline within the legal and regulatory context in which they work. On matters such as suspension power, search authority, and principal support, respondents generally reported that their authority was adequate for their responsibilities. Even in their reports of problems in dealing with student attendance and collective agreement restrictions, respondents recognized that these difficulties were, to varying degrees, associated with limited resource availability as well as legal or regulatory constraints. Respondents also expressed reasonable, although not excessive, confidence in their knowledge of relevant laws and policies. This was particularly evident in matters related to student searches, where many vice-principals described careful practices for the conduct of searches. They also cited the principles set out by the Supreme Court of Canada in its landmark 1998 decision giving school administrators more latitude than the police in searches of their students as part of their administrative responsibilities.

This study was fundamentally about vice-principals and how legal and regulatory frameworks affected their responsibilities for school discipline. Of course, laws, policies, regulations, and all other types of rules in the public sector represent formal expressions of society's norms, values, and beliefs. Similarly, school administrators are charged by society with the operation of our public schools, arguably one of our society's most important institutions. Ensuring that our schools offer a safe and orderly learning environment for all students and staff is a necessary condition for schools to achieve the goals expected by society. Vice-principals are the school administrators with the most direct responsibility for establishing and maintaining this environment. Clearly, there must be consistency and alignment of purpose among the expectations of society as expressed by laws and policies affecting vice-principals. This study has identified areas where existing laws and policies help vice-principals to carry out their responsibilities for school discipline. These should be affirmed so that vice-principals can continue to fulfill their mandate. However, those legal and policy issues identified by vice-principals as obstacles to their effectiveness must also be addressed by policy-makers, educators, and other education stakeholders so that our schools can best serve the needs of all students.

REFERENCES

Aiken, L.R. (1988). The problem of nonresponse in survey research. The Journal of Experimental Education, 56, 116-119.

Alexander, K., & Alexander, M.D. (1985). American public school law (2nd ed.). St. Paul, MN: West Publishing Company.

Archey, T.C. (1981). A study of the characteristics and roles of the public senior high school principal in the State of Louisiana. Dissertation Abstracts International, 42(06), 2378A. (University Microfilms No. AAT 8127361)

Barger, B.E. (1999). A study of novice assistant principals: Dilemmas of working with discipline. Dissertation Abstracts International, 59(07), 2259A. (University Microfilms No. AAT 9841801)

Bearden, W.O., & Madden, C.S. (1998). The pool is drying up. Marketing Research, 10(1), 26-33.

Bell, J. (1993). Doing your research project: A guide for first-time researchers in education and social science (2nd ed.). Buckingham, U.K.: Open University Press.

Best, J.W., & Kahn, J.V. (1993). Research in education (7th ed.). Needham Heights, MA: Allyn and Bacon.

Bezeau, L.M. (1995). Educational administration for Canadian teachers (2nd ed.). Mississauga, ON: Copp Clark Ltd.

Bickerstaff, S., Leon, S.H., & Hudson, J.G. (1998). Preserving the opportunity for education: Texas' alternative education programs for disruptive youth. Education & Law Journal, 8, 359-406.

Black, J.A., & English, F.W. (1986). What they don't tell you in schools of education about school administration. Lancaster, PA: Technomic Publishing Company, Inc.

Black, S. (2002). Reforming the unions: Does the "new unionism" pay off in student achievement? The jury's still out. American School Board Journal, 189(2), 44-

47.

Bloom, G., & Krovetz, M. (2001). A step into the principalship. Leadership, 30(3), 12-13.

Brien, K. (2002, January). School discipline and the law: Perspective of high school vice-principals. Paper presented for the Linking Research to Educational Practice Symposium, University of Calgary, Calgary, AB. [Online]. Available: www.ucalgary.ca/~lrussell/brien.html

Brown, N.L. (1995). Administrative mentoring programs: Their perceived impact upon entry-year principals in urban school districts. Dissertation Abstracts International, 56(05), 1590A. (University Microfilms No. AAT 9531576)

Calabrese, R.L. (1991). Effective assistant principals: What do they do? NASSP Bulletin, 75(533), 51-57.

Calabrese, R.L, & Tucker-Ladd, P.R. (1991). The principal and assistant principal: A mentoring relationship. NASSP Bulletin, 75(533), 67-74.

Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11.

Celikten, M. (1998). The instructional leadership tasks of high school assistant principals and factors that enhance or inhibit the enactment of these tasks. Dissertation Abstracts International, 59(05), 1407A. (University Microfilms No. AAT 9825702)

Clark, T.R. (1991). Mississippi superintendents' and secondary educators' knowledge of school law as it relates to student rights in selected areas. Dissertation Abstracts International, 51(10), 3282A. (University Microfilms No. AAT 9106562)

Cole, D.A. (2000). An analysis of the perceptions of the role of high school assistant principals for discipline and supervision in Georgia public schools. Dissertation Abstracts International, 60(11), 3850A. (University Microfilms No. AAT 9949462)

Constitution Act, 1867 (U.K.), 30 & 31 Vict., c. 3, reprinted in R.S.C. 1985, App. II, No. 5.

Cook, T.D. (1985). Postpositivist critical multiplism. In R.L. Shotland & M.M.

Mark (Eds.), Social science and social policy (pp. 21-62). Beverly Hills, CA: Sage Publications, Inc.

Cook, T.D. (1993). A quasi-sampling theory of the generalization of causal relationships. New Directions for Program Evaluation, 57, 39-82.

Cook, T.D., & Campbell, D.T. (1979). Quasi-experimentation: Design & analysis issues for field settings. Boston: Houghton Mifflin Company.

Cooze, J.C. (1989). Legal liability of Canadian school boards and teachers for school accidents causing physical injuries to students. Unpublished doctoral dissertation, University of Alberta, Edmonton, AB.

Crockett, C.W. (1995). A survey of Alabama principals' perceived comfort levels regarding their legal knowledge of students' rights in the areas of constitutional law, torts, and special education. Dissertation Abstracts International, 56(03), 772A. (University Microfilms No. AAT 9522417)

Crump, G. (2003, Apr. 10). Seeking alternatives to suspension and expulsion, districts try to keep problem students in school. The Sacramento Bee. [Online] Available: www.sacbee.com/content/news/v-print/story/6429438p-7381537c.html

Curwin, R.L., & Mendler, A.N. (1999). Zero tolerance for zero tolerance. Phi Delta Kappan, 81, 119-120.

Davies, W.J. (2003, October). Top 10 issues for school administrators. Presentation given at the Annual Conference of the Western Canadian Educational Administrators' Association, Edmonton, AB.

Denton, J.J., Tsai, C., & Chevrette, P. (1988). Effects on survey responses of subjects, incentives, and multiple mailings. The Journal of Experimental Education, 56, 77-82.

Dickinson, G.M. (2002). Arbitrator finds duty to object in Kingsville strip search case [Case comment]. Education & Law Journal, 11, 383-390.

Dowhaniuk, C., Drennan, F., & Whetter, R. (2003). Conflicts between principals and vice-principals. CAPSLE Comments, 13(1), 8-9.

Dukelow, D.A., & Nuse, B. (1995). The dictionary of Canadian law (2nd ed.). Scarborough, ON: Carswell.

Dumminger, J.C. (1990). Virginia teachers and the law. Dissertation Abstracts International, 50(11), 3426A. (University Microfilms No. AAT 9010707)

Dutton, D. (2000). Dangerous encounters: Violence in the schools. Law Now, 24(4), 23-24.

Echelbarger, S., Holler, M., Kelty, L.C., Rivera, M.E., Schliesman, G.M., & Trojanowski, T.M. (1999). Improving student interpersonal relationships and academic achievement through school safety interventions. Master's action research project, Saint Xavier University, Chicago, IL. (ERIC Document Reproduction Service No. ED 438 902)

Education Act, R.S.O. 1990, c. E.2.

Education Act, S.N.B. 1997, c. E-1.12.

Education Act, S.S. 1995, c. E-0.2.

Elford, I.C. (1996). Student outcomes assessment in Canadian Bible colleges. Unpublished doctoral dissertation, University of Alberta, Edmonton, AB.

Fink, A., & Kosecoff, J. (1985). How to conduct surveys: A step-by-step guide. Beverly Hills, CA: Sage Publications, Inc.

Foster, G. (1994). Preventive law: A proactive approach to school discipline. In W.F. Foster (Ed.), Education & law: Education in the era of individual rights (pp. 86-94). Georgetown, ON: Canadian Association for the Practical Study of Law in Education.

Fowler, F.J., Jr. (1993). Survey research methods (2nd ed.). Newbury Park, CA: Sage Publications, Inc.

Gagliardi, V.A., Jr. (2001). In defense of zero tolerance. New Jersey Law Journal, 164(8), 27+.

Gall, M.D., Borg, W.R., & Gall, J.P. (1996). Educational research: An introduction (6th ed.). White Plains, NY: Longman.

Glanz, J. (1994). Redefining the roles and responsibilities of assistant principals. Clearing House, 67(5), 283-287.

Go, K. (2002, Dec. 9). Threatened teachers can't transfer schools. The Arizona Republic. [Online]. Available: http://arizonarepublic.printthis.clickability.com/pt/cpt?action=cpt&expire=&url ID=4809554&fb=Y&partnerID=940

Gonzalez, D. (1997). Problems faced by beginning principals. Dissertation Abstracts International, 58(03), 664A. (University Microfilms No. AAT 9726720)

Goodson, C.P. (2000). Assisting the assistant principal. Principal, 79(4), 56-57.

Goss v. Lopez, 419 U.S. 565 (1975).

Greenfield, W.D. (1985). Studies of the assistant principalship: Toward new avenues of inquiry. Education and Urban Society, 18, 7-27.

Guba, E.G. (1981). Criteria for assessing the trustworthiness of naturalistic inquiries. Educational Communication and Technology Journal, 29, 75-91.

Guba, E.G., & Lincoln, Y.S. (1998). Competing paradigms in qualitative research. In N.K. Denzin & Y.S. Lincoln (Eds.), The landscape of qualitative research: Theories and issues (pp. 195-220). Thousand Oaks, CA: Sage Publications.

Gunn, J. (1994). Disruptive students from a school district perspective. In W.F. Foster (Ed.), Education & law: Education in the era of individual rights (pp. 60-66). Georgetown, ON: Canadian Association for the Practical Study of Law in Education.

Harris, S., Petrie, G., & Willoughby, W. (2002). Bullying among ninth graders: An exploratory study. NASSP Bulletin, 86(630), 3-14.

Harrison, A. (2003, Apr. 23). Teachers to boycott violent pupils. BBC News. [Online]. Available: http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/education /2969361.stm

Hartzell, G.N. (1993). The assistant principal: Neglected actor in practitioner leadership literature. Journal of School Leadership, 3, 707-723.

Hartzell, G.N., Williams, R.C., & Nelson, K.T. (1995). New voices in the field. Thousand Oaks, CA: Corwin Press, Inc.

Hawkins, K. (1998). Law and discretion: Exploring collective aspects of administrative decision-making. Education & Law Journal, 8, 139-160.

Hjelter, E.L. (1999). Administering collective agreements: The role of principals. In W.F. Foster & W.J. Smith (Eds.), Reaching for reasonableness: The educator as lawful decision-maker (pp. 395-400). Georgetown, ON: Canadian Association for the Practical Study of Law in Education.

Holloway, J.H. (2001/2002). The dilemma of zero tolerance. Educational Leadership, 59(4), 84-85.

Hopkins, K.D., Hopkins, B.R., & Schon, I. (1988). Mail surveys of professional populations: The effects of monetary gratuities on response rates. The Journal of Experimental Education, 56, 173-175.

Hudgins, H.C., Jr., & Vacca, R.S. (1999). Law and education: Contemporary issues and court decisions. New York: Lexis Publishing.

Hughes, W.R., Jr. (1986). Legal education necessary for adequate pre-service training of teachers, principals, and superintendents in Nebraska schools. Dissertation Abstracts International, 47(01), 152A. (University Microfilms No. AAT 8606964)

Ingersoll, R.M. (2003). Who controls teachers' work? Power and accountability in America's schools. Cambridge, MA: Harvard University Press.

James, B. (1994). School violence and the law: The search for suitable tools. School Psychology Review, 23, 190-203.

Jensen, J.N. (2000). Don't rush to abandon a suspicion-based standard for searches of public school students. Brigham Young University Law Review, 2000, 695-711.

Johnson, J., & Duffett, A. (2003a). "I'm calling my lawyer": How litigation, due process and other regulatory requirements are affecting public education. New York:

Public Agenda. [Online]. Available: www.publicagenda.org/research/research_reports_details.cfm?list=8

Johnson, J., & Duffett, A. (2003b). Where we are now. New York: Public Agenda.

Johnson, R. (2000). Other duties as assigned: Four rules for surviving the assistant principalship. NASSP Bulletin, 84(612), 85-87.

Kaplan, L.S., & Owings, W.A. (1999). Assistant principals: The case for shared instructional leadership. NASSP Bulletin, 83(610), 80-94.

Keel, R.G. (1998). Student rights and responsibilities: Attendance and discipline. Toronto: Emond Montgomery Publications Limited.

Kelbie, P. (2003, Jan. 7). Classrooms ban detention after pupil cites human rights. The Independent. [Online]. Available: http://education.independent.co.uk/news/story.jsp?story=367028

Khan, A.N. (1999). Canada. In C.J. Russo (Ed.), The yearbook of education law 1999 (pp. 409-428). Dayton, OH: Education Law Association.

Knight v. Indian Head School Division No. 19, [1990] 1 S.C.R. 653.

Koru, J.M. (1993). The assistant principal: Crisis manager, custodian, or visionary? NASSP Bulletin, 77(556), 67-71.

La Morte, M.W. (1990). School law: Cases and concepts (3rd ed.). Englewood Cliffs, NJ: Prentice Hall, Inc.

Lander v. Seaver, 76 Am. Dec. 156 (Vt. 1859).

Lee, J. (2003). Lessons for a new administrator. Educational Leadership, 61(3), 88-89.

Legal impediments to school discipline. (1996). Education Law Reporter, 8, 10-11.

Leschied, A., Dickinson, G., & Lewis, W. (2000). Assessing educators' self-reported levels of legal knowledge, law-related areas of concern, and patterns of accessing legal information: Implications for training and practice. Journal of Educational Administration and Foundations, 14(2), 38-67.

Lipsett, H. (1999). Zero tolerance: No excuses approach. Orbit, 29(4), 40-41.

Lockwood, W.W. (1984). Job satisfaction among doctoral graduates in educational administration from the University of South Dakota, 1974-1983. Dissertation Abstracts International, 45(10), 3041A. (University Microfilms No. AAT 8424191)

Lutes v. Prairie View School Division No. 74 (1992), 101 Sask. R. 232 (Q. B.).

Magnus, V.L. (1992). An analysis of the decision-making process of secondary school principals in curriculum decisions involving the First Amendment. Dissertation Abstracts International, 53(06), 1751A. (University Microfilms No. AAT 9231383)

Maher, B.L. (1999). Influence tactics employed by high school assistant principals in attempting to influence their principals. Dissertation Abstracts International, 60(04), 960A.

Mangione, T.W. (1995). Mail surveys: Improving the quality. Thousand Oaks, CA: Sage Publications, Inc.

Marshall, C. (1985). Professional shock: The enculturation of the assistant principal. Education and Urban Society, 18, 28-58.

Marshall, C. (1990). Goodness criteria: Are they objective or judgment calls? In E.G. Guba (Ed.), The paradigm dialog (pp. 188-197). Newbury Park, CA: Sage Publications, Inc.

Marshall, C. (1992). The assistant principal: Leadership choices and challenges. Newbury Park, CA: Corwin Press, Inc.

Martin, L.A. (2000). Effective data collection. Total Quality Management, 11(3), 341-344.

Mertz, N.T., & McNeely, S.R. (1999, April). Through the looking glass: An up front and personal look at the world of the assistant principal. Paper presented at the

Annual Meeting of the American Educational Research Association, Montreal, QC. (ERIC Document Reproduction Service No. ED 435 124)

Mitchell, T. (1999). "That's not what we meant at all!" (Supreme Court decision on rights of schools to search students). Law Now, 23(4), 7.

Moegling, L.A. (2001). Frustration and alienation as found in the secondary school assistant principalship: A qualitative inquiry. Dissertation Abstracts International, 61(07), 2543A.

Moore, N.Y. (2003, Feb. 24). School, courts counter truancy. [Online] Available: www.twincities.com/mld/twincities/living/education/5247795.htm

Morrison, G.M., & D'Incau, B. (1997). The web of zero tolerance: Characteristics of students who are recommended for expulsion from school. Education & Treatment of Children, 20(3), 316-335.

Myers, J. (1994). Three striking differences between principals, APs. NASSP Bulletin, 78(560), 114-116.

National Center for Education Statistics. (1998). Violence and discipline problems in U.S. public schools: 1996-97. Washington, DC: U.S. Department of Education. [Online]. Available: http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=98030

National School Safety Center. (2001). NSSC review of school safety research. Westlake Village, CA: Author. [Online]. Available: www.nssc1.org/studies/statistic%20resourcespdf.pdf

New Jersey v. T.L.O., 469 U.S. 325 (1985).

Nicholson v. Haldimand-Norfolk Regional Board of Police Commissioners, [1979] 1 S.C.R. 311.

O. Reg. 106/01.

O. Reg. 474/00.

OPC research update: 2002 grant recipients. (2002). The Register, 4(3), 29.

Paquette, J., & Allison, D. (1998). Decision-making and discretion: The agony and ecstasy of law and administration. Education & Law Journal, 8, 161-181.

Peters, F., & Montgomerie, C. (1998). Educators' knowledge of rights. Canadian Journal of Education, 23, 29-46.

Pickard, I.C., & Lozinska, M. (2003). Suspension and expulsion of students. In J.P.R. Howard & B.M. MacNeil (Eds.), The law, education, & the future: Bridging the millennium (pp. 383-417). Georgetown, ON: Canadian Association for the Practical Study of Law in Education.

Pritchard, B.W. (1993). A legal analysis of detention, search of the person, search and seizure of personal property, interrogation and the admissibility of culpable statements, under the Charter of Rights and Freedoms and the federal Young Offenders Act. Unpublished doctoral dissertation, University of Alberta, Edmonton, AB.

R. v. J.J.W. and A.D.B. (1990), 260 A.P.R. 13 (Nfld. S.C.).

R. v. J.M.G. (1986), 17 O.A.C. 107 (C.A.).

R. v. M.(M.R.) (1997), 7 C.R. 1 (N.S.C.A.).

R. v. M.(M.R.) (1998), 233 N.R. 1 (S.C.C.).

R.R.O. 1990, Reg. 298.

R.R.O. 1990, Reg. 308.

Radich, P.A. (1990, March). Performance styles and the high school assistant principal: A field study. Paper presented at the Annual Meeting of the Washington Educational Research Association, Tacoma, WA. (ERIC Document Reproduction Service No. ED 320 239)

Re Peel Board of Education and B. et al. (1987), 59 O.R. (2d) 654 (H.C.).

Reasonable search of student's locker. (1999). Education Law Reporter, 10, 53-54.

Reed, D. B., & Himmler, A. H. (1985). The work of the secondary assistant principalship: A field study. Education and Urban Society, 18(1), 59-84.

Reglin, G.L. (1990). Worried about litigation? Test your knowledge of school law. The Executive Educator, 12(3), 21-22.

Reglin, G.L. (1992). Public school educators' knowledge of selected Supreme Court decisions affecting daily public school operations. Journal of Educational Administration, 30(2), 26-31.

Richard, A. (2002, Apr. 12). Toughest job in education? Education Week. [Online]. Available: www.edweek.org/ew/ew_printstory.cfm?slug=31principal.h19

Robertson, R.A. (2000). Search and seizure in the school setting. In W.F. Foster & W.J. Smith (Eds.), Focusing on the future: Seeking legal and policy solutions in education (pp. 235-255). Georgetown, ON: Canadian Association for the Practical Study of Law in Education.

Rockoff, J.D. (2003, Mar. 23). Teachers say the law adds disorder in classroom. The Baltimore Sun, p. 1B.

Roher, E.M., & Freel, W.H. (2003). The rights revolution: The importance of legal literacy for educators. CAPSLE Comments, 13(1), 1-5.

Safe Schools Act, S.O. 2002, c. 11, s. 3.

School Act, R.S.A. 2000, c. S-3.

School violence: Expulsions and the duty of fairness. (1994). EduLaw for Canadian Schools, 6, 1-2.

Scoggins, A.J., & Bishop, H.L. (1993, March). A review of the literature regarding the roles and responsibilities of assistant principals. Paper presented at the Annual Meeting of the Mid-South Educational Research Association, New Orleans, LA. (ERIC Document Reproduction Service No. ED 371 436)

Shimbun, Y. (2003, Apr. 8). Poll: Schools can do more to help truants. The Daily Yomiuri. [Online]. Available: www.yomiuri.co.jp/newse/20030408wo62.htm

Simpson, P.R. (1995). Towards being an effective vice-principal. Burlington, ON: Simpson & Simpson Consulting.

Skiba, R., & Peterson, R. (1999). The dark side of zero tolerance. Phi Delta Kappan, 80, 372-378.

Smith, J.A. (1987). Assistant principals: New demands, new realities, and new perspectives. NASSP Bulletin, 71(501), 9-12.

Smith, S. (1989). Organizational communication of school law information. Dissertation Abstracts International, 50(06), 1519A. (University Microfilms No. AAT 8921420)

Smithson, C. (1999, November). But was it rape? A teenaged date that went too far divides an Alberta high school. Report Newsmagazine, 26(42), pp. 28-29.

Snyder, S. (2003, Oct. 21). Facing unruly students, teacher goes to court. The Philadelphia Inquirer. [Online] Available: www.philly.com/mld/inquirer/living/education/7062627.htm

Sperry, D.J. (1999). Working in a legal and regulatory environment: A handbook for school leaders. Larchmont, NY: Eye on Education.

Stefkovich, J.A. (1992, April). The influence on New Jersey's public high schools of the U.S. Supreme Court's decision in "New Jersey v. T.L.O." Paper presented at the Annual Meeting of the American Educational Research Association, San Francisco, CA. (ERIC Document Reproduction Service No. ED 345 353)

Stephens, M.B. (1983). A study of the legal competencies of selected secondary school principals in relation to their school law training. Dissertation Abstracts International, 44(03), 639A. (University Microfilms No. AAT 8315349)

Stern, S. (2002, Dec. 3). Timeout rooms under scrutiny. The Christian Science Monitor. [Online] Available: www.csmonitor.com/2002/1203/p15s01-lecl.htm

Streshly, W.A., & Frase, L.E. (1992). Avoiding legal hassles: What school administrators really need to know. Newbury Park, CA: Corwin Press, Inc.

Sully, P.D., & Grant, P.R. (1997). Ethical and methodological improvements to mail survey research: An alternative follow-up method. The Canadian Journal of Program Evaluation, 12(2), 81-104.

Sussel, T.A. (1995). Canada's legal revolution: Public education, the Charter, and human rights. Toronto: Emond Montgomery Publications Ltd.

Sutter, M.R. (1996). What do we know about thejob and career satisfaction of secondary school assistant principals? NASSP Bulletin, 80(579), 108-111.

Toth, C., & Siemaszko, E. (1996). Restructuring the assistant principalship: A practitioner's guide. NASSP Bulletin, 80(578), 87-98.

Trespass Act, S.N.B. 1983, c. T-11.2.

Trespass to Property Act, R.S.O. 1990, c. T.21.

Vernonia School District 47J v. Acton, 515 U.S. 646 (1995).

Vigoda, R. (2003, Mar. 19). A spotlight on truancy makes jail a risk for parents. The Philadelphia Inquirer. [Online]. Available: www.philly.com/mld/inquirer/living/education/5424271.htm

Weller, L.D, & Weller, S.J. (2002). The assistant principal: Essentials for effective school leadership. Thousand Oaks, CA: Corwin Press, Inc.

Willms, J.D. (2003). Student engagement at school: A sense of belonging and participation. Paris: Organisation for Economic Co-operation and Development. [Online]. Available: www.pisa.oecd.org/Docs/download/StudentEngagement.pdf

Youth Criminal Justice Act, S.C. 2002, c. 1.

Zuker, M.A. (1988). The legal context of education. Toronto: The Ontario Institute for Studies in Education.

APPENDICES

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Survey for high school vice-principals

Code ___

The purpose of this questionnaire is to learn your opinions and perceptions of laws, policies, and regulations that affect your responsibilities for student discipline in your school in your capacity as vice-principal (or equivalent).

1. For each of the issues listed, please check the category that best describes your level of responsibility as vice-principal for that issue.

Primary:	You are the staff member with the most direct responsibility for this issue.
Major:	You have an important role in this issue, but you have other responsibilities that are equally, or more, important.
Minor:	You may participate in discussions and decisions related to this issue, but take a limited active role in it.
None:	You have little or no involvement or responsibility in this issue.

Responsibility	None	Minor	Major	Primary
Student discipline				
Curriculum issues				
Teacher supervision or evaluation				
Staffing/timetabling				
Student extracurricular activities				
School budget, finances				

If your response for "Student discipline" was none or minor, please do question #2 and then skip to question #20.

2. Please list any other school matters for which you have major or primary responsibility in your capacity as vice-principal.

Major responsibilities	Primary responsibilities

3. For the following questions, please choose the answers that best describe your authority as vice-principal with respect to student suspensions.

Y = Yes
DK = Don't know
N = No
DC = Depends on circumstances

Responses	Y	N	DK	DC
Does provincial school law give you the explicit authority to suspend students from your school?				
Do the policies of your school district give you the explicit authority to suspend students from your school?				
Does your principal give you the authority to suspend students from your school?				

If your response was "depends on circumstances" for any of the questions above, please describe briefly the circumstances in which you would have the authority to suspend students from your school.

4. What is maximum length of suspension that you have the authority to impose without seeking prior approval from your principal? (Choose one response from the right column. If you choose f), you may skip to question 12.)

a)	1 day	a) __
b)	2 days	b) __
c)	3 days	c) __
d)	More than 3 days	d) __
e)	Need prior approval for all suspensions	e) __
f)	No suspension authority	f) __

5. Indicate the extent to which you agree or disagree with the following statement:

SD = strongly disagree D = disagree N =not certain A = agree SA = strongly agree

Statement	SD	D	N	A	SA
The maximum length of suspension that I am allowed to impose is adequate for my level of responsibility for student discipline.					

Please explain briefly your choice.

6. When you think that the circumstances of a student's conduct merit suspension, which of the following statements best describes your normal practice for working with your principal?

a) I consult with my principal, and then I inform the student of the suspension. a) __
b) I recommend the suspension to my principal, and then he/she informs the student of the decision. b) __
c) I inform the student of the decision, and then I inform the principal. c) __
d) The process that I follow always depends on the circumstances. d) __

If you chose response d), please describe briefly how you work with your principal in such cases.

7. Consider the following list of student infractions. If, in your opinion, the circumstances of the offence merited the suspension of a student, would you normally have the authority to impose or recommend the suspension?

Y = Yes
DK = Don't know
N = No
DC = Depends on circumstances

Offence	Y	N	DK	DC
Persistent truancy				
Persistent opposition to authority.				
Possession or use of drugs/alcohol at school activities.				
Persistent tardiness.				
Use of improper language.				
Improper dress at school.				
Disrespectful conduct towards teachers.				
Physical assault of other students.				
Physical assault of staff members.				
Harassment of others.				
Habitual neglect of studies.				
Damage to school property.				
Possession of a weapon on school premises or at school activities.				

If your response was "don't know" or "depends on circumstances" for any of the above, please explain your response briefly.

8. Please identify any infractions not listed above for which you believe that vice-principals should have the authority to impose or recommend suspensions where circumstances warrant.

9. Consider the following list of student infractions. Please indicate whether suspension is mandatory in your school under provincial law, district policy, or school policy for each of these offences.

P = mandatory under provincial law
D = mandatory under district policy
S = mandatory under school policy
NM = not mandatory

Offence	P	D	S	NM
Persistent truancy				
Persistent opposition to authority.				
Possession or use of drugs/alcohol at school activities.				
Persistent tardiness.				
Use of improper language.				
Improper dress at school.				
Disrespectful conduct towards teachers.				
Physical assault of other students.				
Physical assault of staff members.				
Harassment of others.				
Habitual neglect of studies.				
Damage to school property.				
Possession of a weapon on school premises or at school activities.				

10. Please identify infractions not listed above for which suspension is mandatory in your school.

11. Indicate the extent to which you agree or disagree with the following statements:

SD = strongly disagree D = disagree N =not certain A = agree SA = strongly agree

Statement	SD	D	N	A	SA
Mandatory suspension (often termed zero tolerance) policies are useful to me in fulfilling my responsibilities for student discipline.					
Under provincial law, my authority to make suspension decisions is adequate for my level of responsibility for student discipline.					
Under school district policies, my authority to make suspension decisions is adequate for my level of responsibility for student discipline.					
Under policies at my school, my authority to make suspension decisions is adequate for my level of responsibility for student discipline.					

Please explain briefly your responses.

12. Indicate the extent to which you agree or disagree with the following statements:

SD = strongly disagree D = disagree N =not certain A = agree SA = strongly agree

Statement	SD	D	N	A	SA
It is important for me to have the authority to conduct searches of students and their belongings at school if necessary to fulfill my level of responsibility for student discipline.					
My authority to conduct searches of students and their belongings at school is adequate for my level of responsibility for student discipline.					

Please explain briefly your responses.

13. Indicate the extent to which you agree or disagree with the following statements about student misconduct that occurs off school property or outside regular school hours.

SD = strongly disagree D = disagree N =not certain A = agree SA = strongly agree

Statement	SD	D	N	A	SA
I should have disciplinary authority in cases where students engage in a fight off school property during school hours.					
I should have disciplinary authority in cases where a student harasses another student off school property on the way to or from school.					
I should have disciplinary authority in cases where a student harasses a teacher in a public area off school property.					
I should have disciplinary authority in cases where a student commits a serious criminal offence against another student off school property.					
I should have disciplinary authority in all cases where a student's misconduct has a negative effect on the well-being of the school, even if occurring outside school hours or off school property.					

Please explain briefly your responses.

14. Indicate the extent to which you agree or disagree with the following statements about preventing school disruption by intruders.

SD = strongly disagree D = disagree N =not certain A = agree SA = strongly agree

Statement	SD	D	N	A	SA
It is important that I have the legal authority to exclude disruptive persons from school property to fulfill my level of responsibility for student discipline.					
My authority to exclude disruptive persons from school property is adequate for my level of responsibility for student discipline.					

Please explain briefly your responses.

15. Indicate the extent to which you agree or disagree with the following statements about the assignment of teacher supervision duties.

SD =	strongly disagree	D =	disagree	N =	not certain	A = agree	SA =	strongly agree

Statement	SD	D	N	A	SA
It is important that I have the authority to assign supervision duties to teachers to fulfill my level of responsibility for student discipline.					
Under the terms of the teachers' collective agreement, my authority to assign supervision duties to teachers is adequate for my level of responsibility for student discipline.					

Please explain briefly your responses.

16. Indicate the extent to which you agree or disagree with the following statements about your relationship (in your capacity as vice-principal) with the bargaining unit that represents teachers in your school.

SD = strongly disagree D = disagree N =not certain A = agree SA = strongly agree

Statement	SD	D	N	A	SA
During my term as vice-principal, I have been actively involved in the bargaining activities of the teachers' bargaining unit.					
During my term as vice-principal, I have been actively involved in non-bargaining activities of the teachers' bargaining unit.					

Please explain briefly your responses.

17. Please indicate whether there are any provisions in the collective agreement governing the teachers in your school that affect your level of responsibility for student discipline.

18. Indicate the extent to which you agree or disagree with the following statements about student attendance.

SD = strongly disagree D = disagree N =not certain A = agree SA = strongly agree

Statement	SD	D	N	A	SA
Dealing with student attendance problems occupies a significant portion of my time.					
My authority gives me an adequate range of options for dealing effectively with students of compulsory school age who are persistently absent from school.					
My authority gives me an adequate range of options for dealing effectively with students beyond compulsory school age who are persistently absent from school.					

Please explain briefly your responses.

19. Indicate the extent to which you agree or disagree with the following general statements:

SD = strongly disagree D = disagree N =not certain A = agree SA = strongly agree

Statement	SD	D	N	A	SA
Apart from suspensions, provincial law allows me enough disciplinary options to fulfill my level of responsibility for student discipline.					
Apart from suspensions, school district policies allow me enough disciplinary options to fulfill my level of responsibility for student discipline.					
Apart from suspensions, school policies allow me enough disciplinary options to fulfill my level of responsibility for student discipline.					
When my decisions related to student misconduct are challenged on legal grounds, I normally feel confident in my knowledge of the relevant laws or policies.					

Please explain briefly your responses.

20. Please answer the following questions about your school and your school district.

Location: (circle province) AB ON NB

School: Number of students (full-time equivalent) ____________

Number of teachers (full-time equivalent) ____________

School district:

Number of schools ____________

Number of secondary schools (those including only Grades 9 or 10 and higher) ____________

21. Please answer the following questions about yourself:

Years of teaching experience (to the end of the current school year) ____________

Years of experience as vice-principal (to the end of the current school year) ____________

22. Thank you for your participation in this study. If you wish to add any further comments, please do so in the space below.

Reason for Not Responding (RNR) Form Code __

Dear Respondent:

If you decide that you are unable or do not wish to complete this survey, I would ask you to provide the following information and return it in the response envelope provided. If you do so, you will not receive any further reminders to complete and return the survey. Thank you for your assistance in this matter.

Province: (circle one) AB ON NB

School district information:

Number of schools ____________

Number of secondary schools: ____________
(those including only Grade 9 or 10 and higher)

School information:

Student enrollment: ____________
(full-time equivalent)

Teaching complement: ____________
(full-time equivalent)

Your experience (as of end of current school year):

Teaching experience: ____________

Vice-principal experience: ____________

Reason for not responding:

Too busy, lack of time ____________

Not interested in topic ____________

Difficult or unclear questions ____________

Other reasons (please specify):

Request for Study Findings

If you would like to receive an executive summary of the study findings following completion of the study, please provide the following contact information below:

Name: ____

Address: ____

____

____

E-mail (if preferred): ________________________________

You may return your request in the enclosed envelope.

<Date>

<Field:Principal name>
<Field:School name>
<Field:4>
<Field:5>
<Field:Postal code>

Dear <Field:Principal name>:

Enclosed are the survey materials for the vice-principals in your high school for the study entitled "School law and discipline: Perspectives of high school vice-principals." Please distribute these to your vice-principals and encourage them to complete the survey and to return it to me in the return envelope provided.

In most cases, I have been able to confirm the correct names of your vice-principals. If I have provided materials for someone who is no longer a vice-principal in your school, simply pass the materials to his/her replacement (if any) with my apologies. If you need extra copies of the survey materials, please contact me at kbrien@ualberta.ca or at (780) 492-7625.

For your information, this study has received ethical approval from the University of Alberta. It is being funded by the Ontario Principals' Council and has been endorsed by the NBTA. High school vice-principals in Alberta, Ontario, and New Brunswick are being asked to participate.

Thank you for your assistance in this matter.

Sincerely,

Ken Brien
EdD candidate

<Date>

Dear <Field:VP name>:

I am writing to invite you to participate in a study currently entitled "School law and discipline: Perspectives of high school vice-principals." The study will investigate various legal and regulatory frameworks and their effects on the work of high school vice-principals when they deal with student discipline matters. I have taught high school students for more than 15 years, including over two years as acting vice-principal in a small high school in Northern Ontario. On the basis of my research and my experience, I know that vice-principals must make disciplinary decisions that satisfy not only sound pedagogical needs but also existing legal and regulatory requirements.

This study, part of my doctoral research program, will examine three legal and regulatory frameworks:

1. School law, including provincial and federal statutes, regulations, and court decisions.
2. School and school district policies.
3. Teacher-employer collective agreements, particularly provisions on teachers' working conditions.

The purpose of this study is to determine the extent to which the demands of these frameworks help or hinder high school vice-principals in fulfilling their traditional responsibilities for student discipline. To this end, I am conducting this survey of high school vice-principals in Alberta, Ontario, and New Brunswick to learn your perceptions and opinions of the effects of these frameworks.

You have been randomly selected to receive a copy of the enclosed questionnaire. My study findings may lead to recommendations to educational law and policy makers for modifications where needed to existing laws, policies, and regulations that will support your efforts to maintain safe and orderly learning environments in your school. Moreover, this study will allow participating vice-principals like yourself to voice opinions, concerns, and suggestions about an issue that has a direct impact on daily work. For these reasons, your participation in this study is very important. Completion of this survey should take no more than 20 - 30 minutes. If you do not wish to participate, I would ask you to complete and return the enclosed Reason for Not Responding (RNR) form. This will ensure that you do not receive additional reminders to respond to the questionnaire. Questionnaires and RNR forms have been coded for tracking purposes. Coding lists will be destroyed following completion of the study.

This study has received ethics approval from the University of Alberta. If you agree to take part in this study, the following ethical guidelines will apply:

- Your participation and responses will be kept strictly confidential. In particular, no names or other information identifying individuals, schools, or school districts will be used in any published work resulting from this study.
- If you have any questions or concerns about your participation in this study, you may contact me at kbrien@ualberta.ca or (780) 492-7625. Alternatively, you may contact my supervisor Dr. Joe Fris at joe.fris@ualberta.ca or (780) 492-0219.
- The findings of this study will be used primarily for my doctoral dissertation, but they may also be included in other papers and presentations on this or related topics.
- If you wish to receive an executive summary of the findings at the conclusion of this study, you may complete the enclosed form to make this request.

Thank you for your participation in this study. It has received financial support from the Ontario Principals' Council and the endorsement of the New Brunswick Teachers' Association. I look forward to receiving your responses.

Sincerely,

Ken Brien
EdD candidate

Encl.